



CITY COUNCIL

AGENDA

July 7, 2003 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER 1

Invocation & Pledge Of Allegiance – Pastor Doug Schmidt – Woodside Bible Church 1

ROLL CALL 1

A-1 Presentations: (a) Commendation for Tonni L. Bartholomew, City Clerk – “Clerk of the Year”; (b) Susan Leirstein, MPPOA, “Buyer of the Year”; (c) Commendation for Patricia Petitto “IRWA Professional of the Year” (d) 9th Annual Troy Food Fight on Big Beaver and Beyond; (e) Introduction of Fan Lin, Student Representative Applicant to the Troy Daze; (f) Introduction of Grace Yau, Student Representative Applicant to the Advisory Committee for Persons With Disabilities; (g) Introduction of Kaveri Korgavker, Student Representative Applicant to the Traffic Committee; (h) Introduction of Vickie Hwang, Student Representative Applicant to the Troy Youth Council; and (i) Adam Campbell – Larson School Graduating 6th Grader - Grand Champion for Individual Community Project Solving 1

PUBLIC HEARINGS 1

C-1 Proposed Zoning Ordinance Text Amendment (ZOTA-126) – Article 39.70.09 – Dumpsters and Grease Containers 1

POSTPONED ITEMS 2

D-1 Preliminary Planned Unit Development Review – PUD-002, Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street, Section 23 2

D-2 Acknowledgement and Lease Agreement – Sylvan Glen Tower 4

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at clerk@ci.troy.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

D-3	Standard Purchasing Resolution 1: Award to Low Bidder – Three (3) Year Requirements of Guard Service	5
<u>PUBLIC COMMENT:</u>		5
A.	Items on the Current Agenda	5
B.	Items Not on the Current Agenda	6
<u>CONSENT AGENDA</u>		6
E-1	Approval of Consent Agenda	6
E-2	Minutes: Regular Meeting of June 16, 2003	6
E-3	Proposed City of Troy Proclamation:	7
	a) Tonni L. Bartholomew – Clerk of the Year.....	7
	b) 9 th Annual Troy Food Fight on Big Beaver and Beyond	7
	c) Proclamation of Honor – Adam Campbell – First Place Winner at the 2003 Future Problems Solving Program	7
	d) Patricia Petitto - IRWA Professional of the Year	7
	e) Susan Leirstein – Buyer of the Year.....	7
E-4	City Council Rules of Procedure Amendment	7
E-5	Request for Acceptance of Permanent Water Main Easement – Sidwell #88-20-34-151-016 – Project No. 9.937.3 – National Television Book Company	7
E-6	Request for Acceptance of Warranty Deeds, Permanent Easements and Approval of Private Road Agreement – Sandalwood North of Troy, L.L.C. – Sidwell #88-20-03-226-045	7
E-7	Acceptance of Two Easements for Watermain from Doman Enterprises, L.L.C., Sidwell #88-20-34-101-026 and 190 East Maple, L.L.C., Sidwell #88-20-34-101-025	8
E-8	Kunjamma Antony v. City of Troy	8
E-9	Acceptance of Two Easements from Tutor Time Construction, L.L.C., Sidwell #88-20-20-476-022 & 023	8

E-10	Request for Approval to Pay Business Relocation Claim - Advantage Investors Mortgage – O’Riley Building Tenant – 2780 Rochester Road	9
E-11	Request for Acceptance of Permanent Easement for Sanitary Sewer and Approval to Pay Consideration – Dequindre Sewer Project No. 02.406.5 – Lloyd and Melody Peach, Sidwell #88-20-13-281-005	9
E-12	Private Agreement for Gardner Signs, BTS Ventures, L.L.C. – Project No. 00.928.3	9
E-13	Practice Range Rates	9
E-14	Homeowner’s Dispute at 1765 E. Wattles	10
E-15	Standard Purchasing Resolution 1: Award to Low Bidder – Pool Chemicals	10
E-16	Approval of Funding Agreement Boys and Girls Club	10
E-17	Troy v. Marilyn Miller, Living Trust (Long Lake Road Improvement Project)	10
<u>REGULAR BUSINESS</u>		11
F-1	Appointments to Boards and Committees: (1) Mayoral Appointments: a) Economic Development Corporation; (2) City Council Appointments: a) Advisory Committee for Persons with Disabilities; b) Building Code Board of Appeals; c) CATV; d) Historic District; e) Parks & Recreation Board; f) Personnel Board; and g) Traffic Committee	11
F-2	Closed Session	18
F-3	Appropriation to the Budget Stabilization Fund	18
F-4	Section 1 Golf Course – Parking Lot Screening	18
F-5	Request From Youth Council – Televising Monthly Meetings	19
F-6	Addendum No. 1 – Hartland Water Main Replacement & Drainage Improvements, Contract 02-2	19
F-7	Preliminary Site Condominium Review – Cedar Pines Site Condominium, South of South Boulevard, East of Crooks Road, Section 4 – R-1B	20

F-8	Preliminary Site Condominium Review – Hidden Creek Site Condominium, East Side of Ellenboro, South Side of Vanderpool, Section 22 – 1E	21
F-9	Designation of Voting Delegates at Annual MML Meeting – Detroit, Michigan	21
F-10	Section 1 Golf Course Name	21

COUNCIL COMMENTS/REFERRALS **23**

A.	Policy Allowing Private Groups to Have Religious Displays in Front of City Hall – Proposed by Council Member Lambert	23
B.	Civic Center Property Task Force Establishment to Identify and Prioritize Public Site Plan Elements - Proposed by Council Member Robin Beltramini	23

REPORTS AND COMMUNICATIONS **24**

G-1	Minutes – Boards and Committees:	24
	a) Downtown Development Authority/Final – March 19, 2003.....	24
	b) Brownfield Redevelopment Authority/Final – April 17, 2003.....	24
	c) Library Board/Final – May 1, 2003	24
	d) Planning Commission Special/Study Meeting/Final – May 6, 2003.....	24
	e) Parks & Recreation Advisory Board/Final – May 8, 2003.....	24
	f) Planning Commission/Final – May 13, 2003	24
	g) Employees’ Retirement System Board of Trustees/Final – May 14, 2003	24
	h) Downtown Development Authority/Final – May 21, 2003.....	24
	i) Historical Commission Minutes/Draft – May 22, 2003.....	24
	j) Troy Daze/Draft – May 27, 2003	24
	k) Troy Daze/Final – May 27, 2003	24
	l) Youth Council/Draft – May 28, 2003.....	24
	m) Planning Commission Special/Study Meeting/Final – June 3, 2003.....	24
	n) Advisory Committee for Persons with Disabilities/Draft – June 4, 2003	24
	o) Advisory Committee for Senior Citizens/Draft – June 5, 2003.....	24
	p) Employees’ Retirement System Board of Trustees/Draft – June 11, 2003	24
	q) Library Advisory Board/Draft – June 12, 2003.....	24
	r) Parks and Recreation Advisory Board/Final – June 12, 2003	24
	s) Board of Zoning Appeals/Draft – June 17, 2003	24
	t) Historic District Commission/Draft – June 26, 2003	24
G-2	Department Report(s):	24
	a) 2003 Second Quarter Litigation Report.....	24
G-3	Announcement of Public Hearings:	24
	a) Parking Variance Request – 5363 – 5409 Crooks Road – July 21, 2003.....	24

b)	Commercial Vehicle Appeal – 5029 Berwyck – July 21, 2003.....	24
c)	Amendment of Consent Judgment / Site Plan Approval (SP #891) – TCF Bank Building, South Side of Big Beaver Road, East of John R and West of Dequindre, Section 25 – R-1E and B-3 – July 21, 2003.....	24
G-4	Proposed Proclamations/Resolutions from Other Organizations: None proposed.	24
G-5	Letters of Appreciation:	24
a)	Letter from Michael M. Adamczyk, Assistant Superintendent – Troy School District To Tonni L. Bartholomew Thanking the City Clerk’s Staff for their Assistance with the Annual Election for the Troy School District Board of Education on June 9, 2003 with a Special Thank You to Aileen Bittner and Dave LaPine.....	24
b)	Letter of Appreciation from Dan & Joyce McKown to Carol Anderson Thanking Ron Hynd and Crew for the Efficient Manner in Which they Removed a Diseased City Ash Tree	24
c)	Letter of Appreciation and Acknowledgement to the City of Troy Mayor, City Council and City Manager Thanking the City for the Opportunity to Serve on the Planning Commission for the Last Two Years.....	25
d)	Letter from Bonnie Carpus to Wendell Moore and the Troy Police Department Thanking Them for the Opportunity to Participate in Their Internship Program Last Summer	25
e)	Letter from Keith A. Pretty, J.D., President of Walsh College to Chief Craft Thanking the Troy Police Department for their Assistance in Controlling Traffic After Commencement Ceremonies	25
f)	Letter from MML Foundation to John Lamerato for Staff Assistance with Retirement Process Information Gathering Project	25
G-6	Calendar	25
G-7	Memorandum – Re: Swider v. Flagstar Bank and City of Troy	25
G-8	Memorandum – Re: EDS v. City of Troy et. al	25
G-9	Memorandum – Re: Skatepark Opening	25
G-10	Memorandum – Re: Park Board Action – Approval of Rotary Club Park Concept	25
G-11	Memorandum (Green) – Re: Request to Consider Scheduling City Council Meetings on Fourth Mondays	25
G-12	Memorandum (Green) – Re: Junior Golf Rates	25

G-13	Memorandum (Green) - From Automation Alley Requesting the Troy LDFA Provide Infrastructure Funding. (A Formal Presentation Will be Given to Council on July 21, 2003)	25
G-14	Memorandum – Re: Troy Racquet Club Escrow Deposit Agreement	25
G-15	Memorandum (Green) – Re: Proposed Amendment to Chapter 13 of the City Code – Historic Preservation	25
G-16	Memorandum – Re: 2003 State Equalized Value	25
<u>PUBLIC COMMENT</u>		<u>25</u>

CALL TO ORDER

Invocation & Pledge Of Allegiance – Pastor Doug Schmidt – Woodside Bible Church

ROLL CALL

Mayor Matt Pryor
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

A-1 Presentations: (a) Commendation for Tonni L. Bartholomew, City Clerk – “Clerk of the Year”; (b) Susan Leirstein, MPPOA, “Buyer of the Year”; (c) Commendation for Patricia Petitto “IRWA Professional of the Year” (d) 9th Annual Troy Food Fight on Big Beaver and Beyond; (e) Introduction of Fan Lin, Student Representative Applicant to the Troy Daze; (f) Introduction of Grace Yau, Student Representative Applicant to the Advisory Committee for Persons With Disabilities; (g) Introduction of Kaveri Korgavker, Student Representative Applicant to the Traffic Committee; (h) Introduction of Vickie Hwang, Student Representative Applicant to the Troy Youth Council; and (i) Adam Campbell – Larson School Graduating 6th Grader - Grand Champion for Individual Community Project Solving

PUBLIC HEARINGS

C-1 Proposed Zoning Ordinance Text Amendment (ZOTA-126) – Article 39.70.09 – Dumpsters and Grease Containers

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That the proposed Zoning Ordinance Text Amendment for Article XXXIX, Section 39.70.09 is **AMENDED**, as recommended by the Planning Commission and City Management.

Yes:

No:

POSTPONED ITEMS

D-1 Preliminary Planned Unit Development Review – PUD-002, Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street, Section 23**(a) Resolution A - Postponement as Requested by the Petitioner and Recommended by City Management**Suggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That the Public Hearing for the Preliminary Planned Unit Development Review, PUD-002, Rochester Commons, north side of Big Beaver Road, east of Rochester Road and west of Daley Street, Section 23 be **POSTPONED** as requested by the petitioner and recommended by City Management until the Regular City Council Meeting scheduled for Monday, July 21, 2003.

Yes:

No:

OR**(b) Resolution B**Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Tadian Developments, for the Rochester Commons Planned Unit Development (fka Back Bay Village PUD), located on the north side of Big Beaver Road and east of Rochester Road, located in Section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby **APPROVED** as recommended by City Management, the City Planning Consultant and Planning Commission; and

BE IT RESOLVED, That the proposed PUD meets the location requirements set forth in Section 35.30.00, A and B (2 and 3). The unique layout and location of the site is better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road, as demonstrated by the deteriorated condition of some of the existing single family residential homes. The multiple-family residential development would be similar to office use in being a transitional use and a compatible use with Big Beaver Road, the adjacent Fire Station and adjacent single-family residential uses; and

BE IT RESOLVED, Pursuant to Section 35.30.00.C, the applicant demonstrated that a sufficient number of objectives are met which would not be accomplished without the use of the PUD.

1. The applicant has demonstrated that the “development quality objectives” in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.
2. The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, a mix of uses is not a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a “combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan.” The definition refers to a combination of uses, such consideration is mitigated or tempered by “the specific development configuration and use allocation” as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.
3. That the eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the “applicant must show that a sufficient number of ... objectives ... are met.”; and

BE IT RESOLVED, The use will include screening to buffer the site from adjacent properties above and beyond Zoning Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the Fire Station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit; and

BE IT RESOLVED, That the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met; and

BE IT RESOLVED, That the PUD is consistent with the Future Land Use Plan. The Future Land Use Plan designation calls for low-rise office which is used as a transition between more intense commercial uses and less intense single-family residential uses. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas; and

BE IT FURTHER RESOLVED, That it is evident the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential; and

BE IT FINALLY RESOLVED, That the Preliminary Planned Unit Development consist of the project manual, dated May 2003, which contains narratives, reduced plans, and full size plans, including the following:

Prepared by Grissim, Metz, Andriese Associates

- 1 Conceptual Landscape Plan
- 2 Conceptual Building Enlargement Landscape Plans
- 3 Conceptual Lighting/Street Signage Plan

Site Details

Site Amenities

Photometric Plan

Prepared by Professional Engineering Associates

PSP-3 Site Plan

PSP-3 Grading Plan (Preliminary)

C-2 Topographic Survey

T-1 Tree Survey

Prepared by Dominick Tringali Architect

1. Front Elevation
2. Rear Elevation
3. Side Elevation
4. Lower Level Plan
5. First Floor Plan
6. Second Floor Plan
7. Loft Level Plan
8. Section
9. Doors/Fixtures

Yes:

No:

D-2 Acknowledgement and Lease Agreement – Sylvan Glen Tower

(a) Resolution A - Postponement as Requested by the Petitioner

Suggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That the Acknowledgement and Lease Agreement – Sylvan Glen Tower be **POSTPONED** until such time as required for the petitioner to satisfy the conditions that merit placement before the City Council a Regular City Council Meeting for their consideration.

Yes:

No:

OR

(b) Resolution BSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That the Acknowledgement and Lease Agreement between the City of Troy and Omnipoint Holdings, Inc. is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

D-3 Standard Purchasing Resolution 1: Award to Low Bidder – Three (3) Year Requirements of Guard ServiceSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That a contract to provide Three Year Requirements of Guard Service is hereby **AWARDED** to the low bidder, DuHadway, Kendall and Assoc. (DK Security), at hourly rates contained in the bid tabulation opened April 25, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting at an estimated total cost of \$85,941.00 for three years.

Yes:

No:

PUBLIC COMMENT:

A. Items on the Current Agenda

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually

and members of the audience will address council prior to council discussion of the individual item.

B. Items Not on the Current Agenda

After Council is finished acting on all Business Items that have been brought forward, the public is welcome to address the Mayor and Council on items that are specifically not on the agenda. (Article 15)

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended May 6, 2002.)

E-1 Approval of Consent Agenda

Suggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

E-2 Minutes: Regular Meeting of June 16, 2003

Suggested Resolution

Resolution #2003-07-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of June 16, 2003, be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation:Suggested Resolution

Resolution #2003-07-

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- a) Tonni L. Bartholomew – Clerk of the Year
- b) 9th Annual Troy Food Fight on Big Beaver and Beyond
- c) Proclamation of Honor – Adam Campbell – First Place Winner at the 2003 Future Problems Solving Program
- d) Patricia Petitto - IRWA Professional of the Year
- e) Susan Leirstein – Buyer of the Year

E-4 City Council Rules of Procedure AmendmentSuggested Resolution

Resolution #2003-07-

RESOLVED, That the Council Rules of Procedure be **ADOPTED** as amended.

E-5 Request for Acceptance of Permanent Water Main Easement – Sidwell #88-20-34-151-016 – Project No. 9.937.3 – National Television Book CompanySuggested Resolution

Resolution #2003-07-

RESOLVED, That the Permanent Easement for Water Main from National Television Book Company, having Sidwell #88-20-34-151-016, is hereby **ACCEPTED**; andBE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Permanent Easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Request for Acceptance of Warranty Deeds, Permanent Easements and Approval of Private Road Agreement – Sandalwood North of Troy, L.L.C. – Sidwell #88-20-03-226-045Suggested Resolution

Resolution #2003-07-

RESOLVED, That the two Warranty Deeds for Right-of-Way and the three Permanent Easements for Water Main, Ingress/Egress and Sanitary Sewer from Sandalwood North, L.L.C., being part of Sidwell #88-20-03-226-045 are **ACCEPTED**; andBE IT FURTHER RESOLVED, That the Private Road Agreement with Sandalwood North, L.L.C. for the Sandalwood North Condominium Project, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO SIGN** said agreement; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Acceptance of Two Easements for Watermain from Doman Enterprises, L.L.C., Sidwell #88-20-34-101-026 and 190 East Maple, L.L.C., Sidwell #88-20-34-101-025

Suggested Resolution
Resolution #2003-07-

RESOLVED, That the Permanent Easements from Doman Enterprises, L.L.C., having Sidwell #88-20-34-101-026 and 190 East Maple, L.L.C., having Sidwell #88-20-34-101-025, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Kunjamma Antony v. City of Troy

Suggested Resolution
Resolution #2003-07-

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Kunjamma Antony v. City of Troy, and to **RETAIN** any expert witnesses and outside legal counsel to adequately represent the City.

E-9 Acceptance of Two Easements from Tutor Time Construction, L.L.C., Sidwell #88-20-20-476-022 & 023

Suggested Resolution
Resolution #2003-07-

RESOLVED, That two Permanent Easements for Watermain and Sidewalk from Tutor Time Construction, L.L.C., owners of property having Sidwell #88-20-20-476-022 & 023, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Request for Approval to Pay Business Relocation Claim - Advantage Investors Mortgage – O'Riley Building Tenant – 2780 Rochester Road

Suggested Resolution
Resolution #2003-07-

RESOLVED, That as required by Michigan Laws and Federal Guidelines, the City Council of the City of Troy hereby **AUTHORIZES** payment for relocation benefits on a fixed payment basis in the amount of \$20,000, to Advantage Investors Mortgage, one of the businesses being displaced from property at 2780 Rochester Road.

E-11 Request for Acceptance of Permanent Easement for Sanitary Sewer and Approval to Pay Consideration – Dequindre Sewer Project No. 02.406.5 – Lloyd and Melody Peach, Sidwell #88-20-13-281-005

Suggested Resolution
Resolution #2003-07-

RESOLVED, That The Permanent Easement for Sanitary Sewer from Lloyd and Melody Peach, owners of 40345 Dequindre, having Sidwell #88-20-13-278-005 is hereby **ACCEPTED**, and that payment is **AUTHORIZED** in the amount of \$4,900.00 plus recording costs.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-12 Private Agreement for Gardner Signs, BTS Ventures, L.L.C. – Project No. 00.928.3

Suggested Resolution
Resolution #2003-07-

RESOLVED, That The Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and BTS Ventures, L.L.C. is hereby **APPROVED** for the installation of water main, storm sewer and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-13 Practice Range Rates

Suggested Resolution
Resolution #2003-07-

RESOLVED, That the rates for the driving range be **APPROVED** as follows:

Large bucket (75 balls) \$8.00
Small bucket (45 balls) \$5.00

AND, BE IT FURTHER RESOLVED, That in order to stay competitive in our market area, future adjustments to practice range rates will be determined by City Management.

E-14 Homeowner's Dispute at 1765 E. WattlesSuggested Resolution

Resolution #2003-07-

RESOLVED, That City Council **AMENDS** Resolution #2003-02-066 for an amount of \$478.75 higher than previously approved, bringing the City's total contribution to \$6,978.75.

E-15 Standard Purchasing Resolution 1: Award to Low Bidder – Pool ChemicalsSuggested Resolution

Resolution #2003-07-

RESOLVED, That a one (1) year contract to furnish requirements of pool chemicals, with an option to renew for one year, is hereby **AWARDED** to the sole bidder, B & B Pools and Spas, at an estimated total cost of \$18,600.00 and at unit prices contained in the bid tabulation opened June 10, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-16 Approval of Funding Agreement Boys and Girls ClubSuggested Resolution

Resolution #2003-07-

RESOLVED, That the Funding Agreement between the City of Troy and Boys and Girls Club of Troy covering July 1, 2003 through June 30, 2004 is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-17 Troy v. Marilyn Miller, Living Trust (Long Lake Road Improvement Project)Suggested Resolution

Resolution #2003-07-

RESOLVED, That the Troy City Council **APPROVES** the payment of \$34,054, plus statutory interest, in the Troy v Marilyn Miller condemnation case and **AUTHORIZES** the City Attorney's Office to **EXECUTE** the attached Order for Interim Payment of Just Compensation.

REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 6, 2002. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

F-1 Appointments to Boards and Committees: (1) Mayoral Appointments: a) Economic Development Corporation; (2) City Council Appointments: a) Advisory Committee for Persons with Disabilities; b) Building Code Board of Appeals; c) CATV; d) Historic District; e) Parks & Recreation Board; f) Personnel Board; and g) Traffic Committee

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

(a) Mayoral Appointments

Suggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

CURRENT MEMBERS

NAME	TERM EXPIRES
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/04
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
James A. Rocchio	04/30/03
Salgat, Charles	04/30/04
Sharp, John	04/30/03
Smith, Douglas	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02
Hall, Patrick C	01/26/01-06/12/01-05/2003	02/05/01-07/09/01
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Freliga, Victor P	11/25/02-11/2004	12/02/02
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01	09/17/01
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Victor, Robert	6/03/03-05/2005	6/16/03

Yes:

No:

(b) City Council AppointmentsSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Advisory Committee for Persons w/Disabilities**Approved by Council (9)- 3 years**

Term expires 07-01-2004 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Burt (Alternate)	11/01/03
Angela Done	11/01/05
Nancy Johnson	11/01/03
Leonard Bertin	11/01/05
Pauline Manetta (Alternate)	11/01/03
Dick Kuschinsky	11/01/04
Theodora House	11/01/03
Sharon Lu (Student)	07/01/02
Dorothy Ann Pietron	11/01/04
Nada Raheb (Student)	07/01/03
John J. Rodgers	11/01/03
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Jayshree Shah (Alternate)	11/01/03

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Grace Yau	06/05/03	07/07/03

Building Code Board of Appeals**Appointed by Council (1) – 5 years****Mr. Dziurman wished to be reappointed****Term expires 07-31-2003****CURRENT MEMBERS**

NAME	TERM EXPIRES
Theodore Dziurman	07/31/03
Timothy Richnak, Public Works Director	Ordinance
William Nelson, Fire Chief	Ordinance
Mark Stimac, Building and Zoning Director	Ordinance
Frank Zuazo, O.C. Health Department	Ordinance
Thomas G. Smith, O.C. Health Department	Ordinance

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Bennett, Alex		
Bordas, Douglas	08/19/99	
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Sawyer, Thomas G	06/4/03-05/2005	06/16/03
Shier, Frank	02/18/03-02/2005	03/03/03

Strat, Thomas	09/16/02-09/2004	09/23/02
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CATV

Appointed by Council (7) – 3 years

Term Expires 07-01-2004 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Bixby, Jerry L	2/28/06
Butt, Shazad	11/30/05
Hughes, Richard	2/28/06
Marinos, Penny	2/28/04
Minnick, Richard D	9/30/03
Sata, Monika (Student)	7/01/03
Voight, W Kent	2/28/04
Wehrung, Bryan H	2/28/05

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Fan Lin	05/03/03	07/07/03

Historic District

Appointed by Council (7) – 3 years

(One member must be an architect)

(Two members recommended by Troy Historical Society)

(One member recommended by Troy Historical Commission)

Kevin Danielson (Resigned)

Unexpired Term expires 05-15-2003

CURRENT MEMBERS

NAME	TERM EXPIRES
Marjorie A Biglin	03/01/04
Wilson Deane Blythe	03/01/05
Barbara Chambers	03/01/05
Kevin Danielson (Resigned)	05/15/03
Paul C Lin	05/15/06
Ann Partlan	03/01/05
Dorothy Scott	05/15/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kerry S Krivoshein	08/12/99-06/14/01-05/2003	07/09/01
Mark Pritzloff	04/17/03-04/2005	04/28/03

Parks and Recreation Board

Appointed by Council (10) – 3 years**John F Goetz (Resigned two months early)****Term expires 09-30-2006****CURRENT MEMBERS**

NAME	TERM EXPIRES
Douglas M. Bordas, Ch.	09/ 30/05
Ida Edmunds (School Rep)	07/31/03
Kathleen M. Fejes	09/30/04
John F. Goetz, Jr (Resigned)	09/30/03
Lawrence Jose (Sr. Rep.)	04/30/06
Orestes (Rusty) Kaltsounis	09/30/03
Tom Krent	09/30/04
Meaghan Kovacs	09/30/05
Deanna Ned (Student)	07/01/03
Jeffrey Stewart (Troy Daze Rep.)	09/30/03
Janice C Zikakis	09/30/05
Carol Anderson	(Ex-officio)

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/03- 05/2005	05/05/03
Balasa, Violet-Viorica	06/27/03- 606/2005	07/07/03
Bliss, Daniel H	03/17/03- 03/2005	04/14/03
Deel, Ryan J	05/17/01-06/25/01- 05/2003	05/21/01-07/09/01
Dixon, Merrill W	03/17/03- 03/2005	04/14/03
Gauri, Kul B	08/26/99	
Gazetti, Tod	09/10/02- 09/2004	09/23/02
Hoef, Paul V	09/12/01-08/14/02- 08/2004	09/17/01
Hrynik, Thomas F	10/16/00-06/14/01- 06/09/03- 05/2005	11/06/00-07/09/01- 06/16/03
Huber, Laurie G	06/18/01- 05/2003	07/09/01
Navratil, Terry	06/10/03- 05/2005	06/16/03
Noce, Robert W	11/16/00	11/20/00
Petrulis, Al	02/11/03- 02/2005	02/17/03
Poulsen, Connie	08/17/01- 08/2003	09/10/01
Preston, Robert S	10/11/02	11/04/02
Pritzloff, Mark	04/17/03- 04/2005	04/28/03
Redpath, Stuart	07/26/00-03/17/03- 03/2005	08/07/00-04/14/03
Shah, Oniell	08/07/02	09/23/02
Victor, Robert	06/03/03- 05/2005	06/16/03
Walker, James	06/11/99-06/14/01- 05/2003	07/09/01

Wattles, Brian J	07/10/01	07/23/01
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Personnel Board

Appointed by Council (5) – 3 years

Jonathan V. Tavalin (Resigned)

Unexpired term expires 04-30-2005

CURRENT MEMBERS

NAME	TERM EXPIRES
Albert T Nelson, Jr	04/30/06
Stephen Patrick, Jr., Ch.	04/30/06
Ronald L. Tschirhart	04/ 30/ 05
Jonathan V. Tavalin (Resigned)	04/30/05
James E. Vanderbrink	04/30/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baughman, Deborah L	3/29/01-06/18/01-05/2003	04/09/01-07/09/01
Blythe, Wilson Deane	3/06/02/2/2004	03/18/02
Calice, Mark A	6/10/03/5/2005	06/16/03
Howrylak, Frank J	6/11/03/5/2005	06/16/03
Huber, Laurie G	06/18/01-05/2003	07/09/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Rogowski, Robert F	11/14/01-11/2003	12/17/01
Ziegenfelder, Peter F	12/07/00-06/11/01-06/11/03-05/2005	12/18/00-07/09/01-06/16/03

Traffic Committee

Appointed by Council (7) – 1 years

Term expires 07-01-2004 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Deel, Ryan J	01/31/05
Diefenbaker, John	01/31/06
Halsey, Lawrence	01/31/06
Hsu, Jennifer	07/01/03
Hubbell, Jan L	01/31/05
Kilmer, Richard A	01/31/05
Sawyer, Thomas G Jr	01/31/06
Solis, Charles A	01/31/06
Abraham, John	

Craft, Charles	
Nelson, William	

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kaveri Korgavkar	06/05/03	07/07/03

Youth Council

Appointed by Council (7) – 1 years

Term expires 08-31-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Emily Burns	08/31/03
Ryan Chandonnet	08/31/03
Allister Chang	08/31/03
Chris Chang	08/31/03
Min Chong	08/31/03
Juliana D'Amico	08/31/03
Raymond Deng	08/31/03
Monika Govindaraj	08/31/03
Eric Gregory	08/31/03
Omar Hakim	08/31/03
Catherine Herzog	08/31/03
Maniesh Joshi	08/31/03
Andrew Kalinowski	08/31/03
Christina Krokosky	08/31/03
Matthew Michrina	08/31/03
Brian Rider	08/31/03
Manessa Shaw	08/31/03
David Vennettilli	08/31/03
YuJing Wong	08/31/03
Fred Wong	08/31/03

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Vickie Hwang	03/28/03	07/07/03

Yes:

No:

F-2 Closed SessionSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy **SHALL MEET** in Closed Session as permitted by State Statute MCLA 15.268, Section (a), Periodic Personnel Evaluation of City Attorney and MCLA 15.268 (e), City of Troy v. Blanton-Smith, City of Troy v. Premium Construction, and City of Troy v. Metry After Adjournment of This Meeting.

Yes:

No:

F-3 Appropriation to the Budget Stabilization FundSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That \$668,000.00 be **TRANSFERRED** from the General Fund to the Budget Stabilization Fund.

Yes:

No:

F-4 Section 1 Golf Course – Parking Lot ScreeningSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That the required parking lot screening at the Section 1 Golf Course be a landscape buffer located immediately west of the western most parking lot.

Yes:

No:

F-5 Request From Youth Council – Televising Monthly MeetingsSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

WHEREAS, The Community Affairs Department currently tapes all City Council Regular meetings and study sessions as well as DDA, Planning Commission, Board of Zoning Appeals, and Senior Citizens Advisory Committee meetings to air on WTRY; and

WHEREAS, The Community Affairs Department will begin taping regular Youth Council meetings beginning with the August meeting.

NOW, THEREFORE, BE IT RESOLVED, That the Community Affairs Department **WILL TAPE** all regular Youth Council meetings at an estimated cost of \$50.00 per month, with meetings airing on WTRY.

Yes:

No:

F-6 Addendum No. 1 – Hartland Water Main Replacement & Drainage Improvements, Contract 02-2Suggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That Addendum No. 1 to Contract No. 02-2 – Hartland Water Main Replacement & Drainage Improvements is hereby **APPROVED** to Roger Ingles Construction, Inc., P.O. Box 315, Lake Orion, MI 48361, at unit prices contained in the contract and in the addendum authorization, a copy of which shall be **ATTACHED** to the original minutes of this meeting. The total amount authorized is \$66,864.74 and includes the previous authorized amount of \$587,461.00 plus 10% contingency as per the contract award resolution and the \$17,657.64 amount for which Addendum No. 1 exceeds the 10% contingency.

Yes:

No:

F-7 Preliminary Site Condominium Review – Cedar Pines Site Condominium, South of South Boulevard, East of Crooks Road, Section 4 – R-1B

Suggested Resolution

Resolution #2003-07-

Moved by

Seconded by

(a) Proposed Resolution A (as submitted and recommended by City Management and the Planning Commission):

RESOLVED, That the Preliminary Site Plan as submitted by the petitioner, under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Cedar Pines Site Condominium and as recommended for approval by City Management and the Planning Commission, located on the east of Crooks Road, south of South Boulevard, including 17 home sites, within the R-1B zoning district, being 11.5 acres in size, is hereby **APPROVED**.

OR

(b) Proposed Resolution B (Site Option #1):

RESOLVED, that the Preliminary Site Plan as submitted as Site Option #1, as requested by City Management, under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Cedar Pines Site Condominium and as recommended for approval by City Management and the Planning Commission, located on the east of Crooks Road, south of South Boulevard, including 19 home sites, within the R-1B zoning district, being 11.5 acres in size, is hereby **APPROVED**.

OR

(c) Proposed Resolution C (Site Option #2):

RESOLVED, that the Preliminary Site Plan as submitted as Site Option #2, as requested by City Management, under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Cedar Pines Site Condominium and as recommended for approval by City Management and the Planning Commission, located on the east of Crooks Road, south of South Boulevard, including 18 home sites, within the R-1B zoning district, being 11.5 acres in size, is hereby **APPROVED**.

Yes:

No:

F-8 Preliminary Site Condominium Review – Hidden Creek Site Condominium, East Side of Ellenboro, South Side of Vanderpool, Section 22 – 1ESuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Hidden Creek Site Condominium and as recommended for approval by City Management and the Planning Commission, located on the east of Ellenboro, south of Vanderpool, including 15 home sites, within the R-1E zoning district, being 7.97 acres in size, is hereby **APPROVED**.

Yes:

No:

F-9 Designation of Voting Delegates at Annual MML Meeting – Detroit, MichiganSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

RESOLVED, That _____ is hereby **DESIGNATED** as Voting Delegate and _____ is hereby **DESIGNATED** as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 17 through September 19, 2003 at Detroit, Michigan.

Yes:

No:

F-10 Section 1 Golf Course NameSuggested Resolution

Resolution #2003-07-

Moved by

Seconded by

(a) Resolution A

WHEREAS, City Council reviewed the options for the golf course names as submitted by the Parks and Recreation Advisory Board.

NOW, THEREFORE, BE IT RESOLVED, That the name for the new golf course **WILL BE** Sanctuary Hills Golf Club.

OR

(b) Resolution B

WHEREAS, City Council reviewed the options for the golf course names as submitted by the Parks and Recreation Advisory Board.

NOW, THEREFORE, BE IT RESOLVED, That the name for the new golf course **WILL BE** Emerald Hills Sanctuary Golf Club

OR

(c) Resolution C

WHEREAS, City Council reviewed the options for the golf course names as submitted by the Parks and Recreation Advisory Board.

NOW, THEREFORE, BE IT RESOLVED, That the name for the new golf course **WILL BE** Nature Sanctuary Golf Club.

OR

(d) Resolution D

WHEREAS, City Council reviewed the options for the golf course names as submitted by the Parks and Recreation Advisory Board.

NOW, THEREFORE, BE IT RESOLVED, That the name for the new golf course **WILL BE** Sanctuary Lake Golf Club.

OR

(e) Resolution E

WHEREAS, City Council reviewed the options for golf course names.

NOW, THEREFORE, BE IT RESOLVED, That the name for the new golf course **WILL BE** The Sanctuary Golf Club, as recommended by City Management

OR

(f) Resolution F

WHEREAS, City Council reviewed the options for golf course names.

NOW, THEREFORE, BE IT RESOLVED, That the name for the new golf course **WILL BE**

.

Yes:

No:

COUNCIL COMMENTS/REFERRALS

A. Policy Allowing Private Groups to Have Religious Displays in Front of City Hall – Proposed by Council Member Lambert

Carried-over request from Council Member Dave Lambert for religious artifacts or displays on public property.

B. Civic Center Property Task Force Establishment to Identify and Prioritize Public Site Plan Elements - Proposed by Council Member Robin Beltramini

Attached memoranda from Council Member Robin Beltramini suggests a committee be established to identify and prioritize public site plan elements on Civic Center property which is not currently developed nor is it going to the voters for possible sale.

Suggested Resolution

Resolution #2003-07-

Moved by

Seconded by

BE IT RESOLVED, That a Civic Center Priority Task Force is hereby **ESTABLISHED** whose membership consists of one member from each of the following committees: Board of Zoning Appeals, Downtown Development Authority, Parks and Recreation Advisory Board, Planning Commission, Traffic Committee, Historical Commission, Advisory Committee for Persons with Disabilities, and the Advisory Committee for Senior Citizens, and,

BE IT FURTHER RESOLVED, That the main objective of this task force is to identify and prioritize public site plan elements minus the following area:

1. Existing usage, including related infrastructure and enhanced landscaping.
2. Acreage set aside for voters to determine the City has the authority to sell in order to have a hotel/conference center constructed and,

BE IT FURTHER RESOLVED, That staff liaison to this task force will be **APPOINTED** by the City Manager and,

BE IT FINALLY RESOLVED, That the Civic Center Priority Committee will endeavor to meet timelines established in the memorandum from Council Member Robin Beltramini.

Yes:

No:

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- a) Downtown Development Authority/Final – March 19, 2003
- b) Brownfield Redevelopment Authority/Final – April 17, 2003
- c) Library Board/Final – May 1, 2003
- d) Planning Commission Special/Study Meeting/Final – May 6, 2003
- e) Parks & Recreation Advisory Board/Final – May 8, 2003
- f) Planning Commission/Final – May 13, 2003
- g) Employees' Retirement System Board of Trustees/Final – May 14, 2003
- h) Downtown Development Authority/Final – May 21, 2003
- i) Historical Commission Minutes/Draft – May 22, 2003
- j) Troy Daze/Draft – May 27, 2003
- k) Troy Daze/Final – May 27, 2003
- l) Youth Council/Draft – May 28, 2003
- m) Planning Commission Special/Study Meeting/Final – June 3, 2003
- n) Advisory Committee for Persons with Disabilities/Draft – June 4, 2003
- o) Advisory Committee for Senior Citizens/Draft – June 5, 2003
- p) Employees' Retirement System Board of Trustees/Draft – June 11, 2003
- q) Library Advisory Board/Draft – June 12, 2003
- r) Parks and Recreation Advisory Board/Final – June 12, 2003
- s) Board of Zoning Appeals/Draft – June 17, 2003
- t) Historic District Commission/Draft – June 26, 2003

G-2 Department Report(s):

- a) 2003 Second Quarter Litigation Report

G-3 Announcement of Public Hearings:

- a) Parking Variance Request – 5363 – 5409 Crooks Road – July 21, 2003
- b) Commercial Vehicle Appeal – 5029 Berwyck – July 21, 2003
- c) Amendment of Consent Judgment / Site Plan Approval (SP #891) – TCF Bank Building, South Side of Big Beaver Road, East of John R and West of Dequindre, Section 25 – R-1E and B-3 – July 21, 2003

G-4 Proposed Proclamations/Resolutions from Other Organizations: None proposed.

G-5 Letters of Appreciation:

- a) Letter from Michael M. Adamczyk, Assistant Superintendent – Troy School District To Tonni L. Bartholomew Thanking the City Clerk's Staff for their Assistance with the Annual Election for the Troy School District Board of Education on June 9, 2003 with a Special Thank You to Aileen Bittner and Dave LaPine
- b) Letter of Appreciation from Dan & Joyce McKown to Carol Anderson Thanking Ron Hynd and Crew for the Efficient Manner in Which they Removed a Diseased City Ash Tree

- c) Letter of Appreciation and Acknowledgement to the City of Troy Mayor, City Council and City Manager Thanking the City for the Opportunity to Serve on the Planning Commission for the Last Two Years
- d) Letter from Bonnie Carpus to Wendell Moore and the Troy Police Department Thanking Them for the Opportunity to Participate in Their Internship Program Last Summer
- e) Letter from Keith A. Pretty, J.D., President of Walsh College to Chief Craft Thanking the Troy Police Department for their Assistance in Controlling Traffic After Commencement Ceremonies
- f) Letter from MML Foundation to John Lamerato for Staff Assistance with Retirement Process Information Gathering Project

G-6 Calendar

G-7 Memorandum – Re: Swider v. Flagstar Bank and City of Troy

G-8 Memorandum – Re: EDS v. City of Troy et. al

G-9 Memorandum – Re: Skatepark Opening

G-10 Memorandum – Re: Park Board Action – Approval of Rotary Club Park Concept

G-11 Memorandum (Green) – Re: Request to Consider Scheduling City Council Meetings on Fourth Mondays

G-12 Memorandum (Green) – Re: Junior Golf Rates

G-13 Memorandum (Green) - From Automation Alley Requesting the Troy LDFA Provide Infrastructure Funding. (A Formal Presentation Will be Given to Council on July 21, 2003)

G-14 Memorandum – Re: Troy Racquet Club Escrow Deposit Agreement

G-15 Memorandum (Green) – Re: Proposed Amendment to Chapter 13 of the City Code – Historic Preservation

G-16 Memorandum – Re: 2003 State Equalized Value

PUBLIC COMMENT

Public Comment is limited to people who have not addressed Council during the 1st Public Comment section. (Rules of Procedure for the City Council, Article 5 (16), as amended May 6, 2002.)

Respectfully submitted,

John Szerlag, City Manager

**PROCLAMATION TO HONOR
TONNI BARTHOLOMEW
2003 CITY CLERK OF THE YEAR**

WHEREAS, Tonni Bartholomew began her municipal experience in the City of Northville as Deputy Clerk in 1981. She was Deputy Clerk for the City of Oak Park for over three years, became the City Clerk for the City of Novi in 1995 and has been the City Clerk of the City of Troy since February, 2000; and

WHEREAS, During her 23 years of dedicated municipal service, **Tonni** also served as the Michigan Municipal Clerks' Association Board Member from 1996 – 2003 and Vice President 1998 – 2000; Michigan Association of Municipal Clerks 3rd Vice President 2000-2001, 2nd Vice President 2001 – 2002, and 1st Vice President 2002 - present; and

WHEREAS, Tonni currently serves as Chairperson of the Council of Election Officials for Michigan; co-chairs the MAMC Legislative Committee, and is the Michigan Clerk serving with Secretary of State Terry Lynn Land on the federal Help America Vote Act (HAVA) committee; and

WHEREAS, Tonni is 1 of only 13 active Clerks in Michigan to have earned the prestigious Master Municipal Clerk status; and

WHEREAS, Tonni Bartholomew was chosen by the membership of nearly 900 Clerks and Deputy Clerks throughout the state of Michigan; and

WHEREAS, The Michigan Association of Municipal Clerks is proud to present the **2003 City Clerk of the Year Award to Tonni Bartholomew.**

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Tonni Bartholomew** for her many contributions to the betterment of Michigan cities, especially the City of Troy; and

BE IT FURTHER KNOWN That in over 23 years, **Tonni Bartholomew** has strived to promote and enhance the professional development and standing of Municipal Clerks as well as continue her education and training throughout the course of her illustrious career.

Presented this 25th day of June 2003.

**PROCLAMATION TO HONOR
SUSAN LEIRSTEIN
2003 BUYER OF THE YEAR**

WHEREAS, Susan Leirstein began working for the City of Troy in 1988 as an Account Clerk in the Finance Department. She worked as an Administrative Aide in Public Works and became a Buyer in the Purchasing Department in 1995; and

WHEREAS, Susan was instrumental in implementing the process of doing the City's accounting online; and

WHEREAS, Susan serves on the Board of Directors for the Michigan Public Purchasing Officers Association, is Chair this year of the Vendor Expo, and served last year as the Marketing Committee Co-Chair; and

WHEREAS, This year, Susan has been named ***Buyer of the Year*** by the Michigan Public Purchasing Officers Association; and

WHEREAS, Purchasing Director Jeanette Bennett nominated **Susan** for the award and she was chosen to win the prestigious award by the approximately 275 members of the MPPOA which is made up of municipalities, counties, educational and transit authorities throughout the State; and

WHEREAS, Susan's expertise as a Certified Public Purchasing Buyer and her work in securing an e-procurement website were qualities that contributed to her being chosen as *Buyer of the Year*; and

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Susan Leirstein** for her many contributions to the betterment of the City of Troy.

BE IT FURTHER KNOWN That in her 8 years in the Purchasing Department, **Susan Leirstein** has strived to promote and enhance the professional development and standing of the Michigan Public Purchasing Association as well as continue her education and training throughout the course of her career.

Presented this 7th day of July 2003.

**PROCLAMATION TO HONOR
PATRICIA PETITTO
2003 IRWA PROFESSIONAL OF THE YEAR**

WHEREAS, Patricia Petitto, began her career with the City of Troy as a part-time Clerk Typist in the City Manager's Office 1969. She worked as a Clerk Typist in the Water Department, Clerk Typist/Secretary in the Police Department, Appraiser in the Assessing Department, Right-of-Way Representative in Traffic Engineering, and currently serves as Senior Right-of-Way Representative in Real Estate & Development; and

WHEREAS, During 34 years of dedicated service, **Pat** has also served the International Right of Way Association (IRWA), a dynamic global community of more than 10,000 dedicated right of way professionals, as past president, vice-president and treasurer of the Michigan Chapter of the IRWA, and as past region chair and newsletter editor for eight years; and

WHEREAS, Pat serves on the Association's International Professional Development Committee, which oversees more than 60 educational courses offered by the IRWA, 38 of which Pat has completed; and

WHEREAS, The International Right of Way Association announces **Patricia Petitto as the 2003 winner of the Association's Frank C. Balfour Professional of the Year Award**; and

WHEREAS, The Balfour Award, the highest award bestowed upon right of way professionals worldwide, was presented to Pat because of her 34 years of dedicated service to the City of Troy, her lifelong commitment to professional development and tireless effort on behalf of her chapter, region and IRWA; and

WHEREAS, Pat is one of only two IRWA members of Michigan's Chapter 7 to receive this prestigious award and the only member to receive Michigan Professional of the Year Award twice in both 1999 and 2001; and

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Pat** for her many contributions to the betterment of our community; and

BE IT FURTHER KNOWN That in over 34 years, **Patricia Petitto** has strived to promote and enhance the professional development and standing of the International Right of Way Association as well as continue her education and training throughout the course of her illustrious career.

Presented this 7th day of July 2003.

**PROCLAMATION
9th ANNUAL TROY FOOD FIGHT
ON BIG BEAVER AND BEYOND**

Whereas, For the last eight years there has been a corporate/business food drive in the City of Troy during the last two weeks of July; and

Whereas, the **Annual Food Fight On Big Beaver and Beyond** was developed as an innovative food drive that has collected more than 1.3 million pounds of food since its inception in 1995; and

Whereas, This fundraiser won a prestigious national award in 2000 from America's Second Harvest in recognition of its creativity and success; and

Whereas, The **Food Fight** began in Troy as a personal challenge between two business executives and grew to over 100 food collection barrels placed at 50 locations throughout the community in 2002 including Columbia Center, Standard Federal Bank, Lease Corporation of America, OnStar, Decoma International, City Hall, the Troy Library and Community Center; and

Whereas, All donated food is distributed to over 70,000 people monthly through the Food Bank of Oakland County's network of 200 local emergency food pantries, shelters and soup kitchens in Oakland County; and in 2002 more than 220,000 meals were provided to senior citizens, children and working poor families;

Now, Therefore, Be It Resolved, That the City Council of the City of Troy joins with the Food Bank of Oakland County to proclaim the weeks of **July 14-31, 2003 as the 9th Annual Troy Food Fight on Big Beaver and Beyond**; and

Be It Further Resolved, That the City Council hereby encourages all Troy residents to bring their food or cash donations to Troy City Hall, the Community Center and Library during the weeks of **July 14 – 31**, as a way to help feed people in need in our community.

Signed this 7th day of July 2003.

**PROCLAMATION TO HONOR
ADAM CAMPBELL
FIRST PLACE WINNER AT THE 2003 FUTURE PROBLEM-SOLVING PROGRAM**

WHEREAS, Troy resident **Adam Campbell** received the First Place award for “Individual Community Problem Solving” in the Junior Division, Education Category at the Future Problem Solving Program 2003 International Conference held at the University of Connecticut; and

WHEREAS, **Adam’s** project, “PATHS to Help the Future” provided children at Higgins Elementary School in Detroit with backpacks and school supplies; and

WHEREAS, To obtain donations, **Adam** wrote to companies, conducted can drives, made and sold Christmas ornaments, and acquired a donation from his school’s student government; and

WHEREAS, **Adam** just completed the sixth grade at Troy’s Larson Middle School and the City of Troy is proud to honor him for his charitable works and award honors; and

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Adam Campbell** for his contributions to better the community through his good works and inspiring others to do community service; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, wholeheartedly congratulate **Adam Campbell** on his achievement.

Signed this 7th day of July 2003.

June 30, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director

Subject: PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT
(ZOTA-126) – Article 39.70.09 Dumpsters and Grease Containers

The Planning Commission initiated the subject Zoning Ordinance Text Amendment (ZOTA). There is concern that restaurants do not screen containers used to store grease, oil, waste and food by-products within the dumpster areas. The proposed amendment will require grease/oil containers be identified on proposed site plans and screened in the same manner as dumpsters. At a May 13, 2003 Public Hearing, the Planning Commission recommended approval of the proposed amendment. City Management concurs with the Planning Commission and recommends approval.

Attachments: 1. Zoning Ordinance Text Amendment (ZOTA 126)
2. Planning Commission Minutes, May 13, 2003
3. Planning Commission Minutes, March 25, 2003
4. Planning Commission Minutes, March 4, 2003

cc: Mark Stimac, Building and Zoning Director
Planning Commission
Planners (4)
File/ZOTA 126

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Public Hearing Proposed Text Amend.doc

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

(ZOTA 126)

Dumpster and Grease Container Screening Standards

Amend the indicated portions of the Environmental Provisions Non-Residential Developments Trash Receptacle Area Screening Standards text in the following manner:

(Underlining, except for major section titles, denotes changes.)

39.70.09 Trash Receptacle Area Screening

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially-zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially-zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially-zoned land, in order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and that no other significant negative effects will result from the waiver of such screening.

(Rev. 6-29-92)

15. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-126) – Article 39.70.09 Dumpsters and Grease Containers

Mr. Savidant summarized the intent of the proposed revisions to the dumpsters and grease containers zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Pennington

Seconded by Vleck

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS), Section 39.70.09 (TRASH RECEPTACLE AREA SCREENING) of the Zoning Ordinance, be amended to read as follows:

(Underlining, except for major section titles, denotes changes.)

39.70.09 Trash Receptacle Area Screening

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially-zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially-zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially-zoned land, in order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public

streets, and that no other significant negative effects will result from the waiver of such screening.

(Rev. 6-29-92)

Yeas

All present (7)

Absent

Chamberlain

Storrs

MOTION CARRIED

11. ORDINANCE REVISION DISCUSSION – Dumpster and Grease Containers
Potential Ordinance Amendment – Article 39.70.09 (ZOTA #126)

Mr. Miller reported that minor changes to the proposed ordinance text, as suggested at the last meeting, have been incorporated.

It was the consensus of the Commission to publish the proposed ordinance text for Trash Receptacle Area Screening as written and to go forward with the Public Hearing.

8. ORDINANCE REVISION DISCUSSION – Dumpster and Grease Containers
Potential Ordinance Amendment

Mr. Waller mentioned that he has spoken to the City Manager with respect to licensing dumpster locations, and noted that the City Manager had an interest in the concept of licensing and was receptive to receiving additional information on licensing regulations.

Mr. Savidant suggested that the description of trash receptacle or “dumpster” be changed to read: “...including containers used by restaurants to store grease, oil, waste and food by-products.”

Discussion followed on the placement of dumpsters that abut residential, the screening of dumpsters and the heights of dumpsters.

There was specific discussion on the vertical dumpster located at the Alibi Restaurant. The Planning Department would be available to discuss this matter further with Mr. Vleck.

A lengthy discussion was held on dumpsters currently not screened that cause blight throughout the City. It was the consensus of the Commission to consider the matter from a code enforcement aspect and look into the enforcement of cleaning up dumpster locations for the health, safety and welfare of the City, and also to investigate the licensing of dumpsters.

Mr. Savidant said that he would make the appropriate changes to the trash receptacle area screening language as discussed tonight and provide the Commission with an updated draft for review. Mr. Storrs encouraged Mr. Savidant to use his resourcefulness in drafting the language.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE

THE CITY OF TROY ORDAINS:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 203rd Amendment to Article XXXIX, Section 39.70.09 of Chapter 39 of the Code of the City of Troy.

Section 2. Amendment

Article XXXIX Environmental Provisions is hereby amended to read as follows:

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.70.09 Trash Receptacle Area Screening:

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially-zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially-zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially-zoned land, in order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and that no other significant negative effects will result from the waiver of such screening.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any work, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on Monday, the 7th day of July, 2003.

Matt Pryor, Mayor

Tonni L. Bartholomew, City Clerk



June 19, 2003

Mr. Mark Miller, Planning Director
City of Troy Planning Department
500 West Big Beaver Road
Troy, Michigan 48084

RE: **Rochester Commons**

Dear Mr. Miller:

Tadian Homes is requesting that you postpone our Troy Council Hearing on Rochester Commons until July 21, 2003.

Over the next week I hope to hear from your staff with questions presented to you from the City Council with regard to Rochester Commons. This will allow adequate time to address their questions prior to our public hearing.

Should you have any questions or comments with regard to this matter please do not hesitate to contact me.

Sincerely,

Nicholas Donofrio
VP of Land Acquisition / Development

REC'D

JUN 20 2003

PLANNING DEPT.

CC: T. Bartholomew
J. Szerlag
G. Shripka
D. Smith
File/PLD 002

July 1, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
 Gary A. Shripka, Assistant City Manager/Services
 Doug Smith, Real Estate and Development Director
 Steve Vandette, City Engineer
 Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING – PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW – PUD-002 Rochester Commons – North side of Big Beaver Road, east of Rochester Road and west of Daley Street, section 23.

City Council conducted a Public Hearing for the proposed Rochester Commons PUD at the June 16, 2003 meeting. At this meeting, City Council postponed the application to the July 7, 2003 meeting. However, the petitioner submitted a written request to postpone the item for an additional two weeks, to the July 21, 2003 meeting.

City Council identified ten questions during the June 16, 2003 meeting. City Management summarized and answered these questions as an attachment. In addition, Councilman Martin Howrylak submitted a memorandum to the City Manager, Mayor and City Council regarding the PUD proposal, which is included as an attachment.

City Management has provided City Council two resolutions. Resolution A is to postpone the PUD application to the July 21, 2003 City Council meeting at the request of Tadian Homes, the applicant, and as recommended by City Management. Resolution B grants Preliminary Approval of the Rochester Commons Planned Unit Development (PUD-2).

Attachment 1: Tadian Homes - Postponement Request
 Attachment 2: City Management's Response to City Council Questions
 Attachment 3: Councilman Martin Howrylak's Memorandum
 Attachment 4: Tadian Homes Response to City Manager's, Uniformity of Analysis When Reviewing Proposed PUDs
 Attachment 5: June 16, 2003 City Council Agenda Information

cc: Applicant
 File / PUD-002

Attachment 1

Tadian Homes – Postponement Request



Your Idea Of A Home

June 19, 2003

REC'D

JUN 20 2003

Mr. Mark Miller, Planning Director
City of Troy Planning Department
500 West Big Beaver Road
Troy, Michigan 48084

PLANNING DEPT.
CC: T. Bartholomew
J. Szorlag
G. Shripke
D. Smith
File/PUD 002

RE: **Rochester Commons**

Dear Mr. Miller:

Tadian Homes is requesting that you postpone our Troy Council Hearing on Rochester Commons until July 21, 2003.

Over the next week I hope to hear from your staff with questions presented to you from the City Council with regard to Rochester Commons. This will allow adequate time to address their questions prior to our public hearing.

Should you have any questions or comments with regard to this matter please do not hesitate to contact me.

Sincerely,

Nicholas Donofrio
VP of Land Acquisition / Development

Attachment 2

City Management's Response to City Council Questions

ROCHESTER COMMONS
PRELIMINARY APPROVAL
PLANNED UNIT DEVELOPMENT

Questions from June 16, 2003 City Council Meeting

1. Does the PUD meet the eligibility requirements of the Zoning Ordinance?

Yes. The proposed PUD meets the eligibility requirements of the Zoning Ordinance as set forth in article 35.30.00 A, B (2 and 3) and C. The applicant has sufficient control and potential ownership of the condominium area. Sufficient control of the proposed storm water retention basin is feasible through the PUD Agreement and other legal documentation. These agreements will be prepared prior to Final Approval of the PUD. Further, the applicant demonstrated that the unique layout and location of the subject property is better served by the flexibility of the PUD ordinance and achieves a substantially higher quality of development. In addition, the site has extreme economic obsolescence compounded with blight and therefore extremely difficult to achieve an economically sound development under a conventional zoning approach, as clearly demonstrated by the applicant and verified by City Management. Finally, the applicant demonstrated a sufficient number of eligibility objectives are accomplished with the PUD proposal.

2. Does a PUD preclude off-site infrastructure as part of the development?

No. As long as the City assures there is sufficient control of the improvement. As a comparison, many typical developments have off-site improvements and could include: road improvements, extension of water service, storm water facilities or extension of sanitary sewer lines.

3. How does the location of the detention basin on City-owned property unify the development?

By designing and constructing an oversized storm water detention basin, there is a public benefit that is not required by the City. This public benefit accomplishes innovative storm water detention for Fire Station #1 and the surrounding areas which are expected to re-develop in the future. Unification is further enhanced by a common landscape design for the basin, Big Beaver frontage, pedestrian facilities and the proposed Rochester Commons Condominium.

4. Who will be responsible for maintenance of the off-site retention pond?

The City will own and be responsible for future maintenance. When there are facilities that serve multiple properties, the City generally desires ownership and maintenance responsibility.

5. What are the details of the easement that will provide access to the two homes facing the front of the school building?

Tadian Homes has consistently indicated that the ingress/egress easement rights will be granted to the two homeowners. City Management will review the easement documents to ensure continued access. The easements will be prepared as part of the Final Approval process for the PUD, and submitted to City Council.

6. Does the petitioner need to resolve the berm/property issue with the Jackson's before the project can move forward?

No. City Council can grant Preliminary Approval as submitted and make minor adjustments to the PUD at the time of Final Approval.

7. What actions will need to be taken to ensure the safety of children using the park at the northeast corner of Rochester and Big Beaver?

First, the PUD proposal does not include improvements to the proposed park area. Second, City Management anticipates the area between the Big Beaver/Rochester intersection and the proposed storm water retention basin as more of an open space as opposed to an active recreation park. Although improvement plans have not been prepared, the area in question is most likely to be a landscaped open space to serve as a gateway to the City.

8. How will the asbestos in the school building be remediated?

Tadian Homes will be responsible to adhere to all federal, state and local regulations or laws. City Management recommends that the petitioner be required to certify to the City that all toxic or hazardous materials are appropriately remediated and disposed of pursuant to all federal, state and local regulations before demolition of the existing structures.

9. Will the proposed retention pond support aquatic life?

Yes, potentially aquatic insects, in-vertebrae and fish.

10. Can the City limit the number of units owned by one buyer?

Yes, because this is a PUD, and Tadian Homes appears to be receptive to some limit. However, it is not practical for City Management to enforce such a provision. In addition, it is possible to get around the provision by using different corporate entities that could be controlled by one person.

Attachment 3

Councilman Martin Howrylak's Memorandum

To: John Szerlag, City Manager
Matt Pryor, Mayor
Troy City Council

From: Martin Howrylak, City Councilman

RE: Proposed Rochester Commons Planned Unit Development (PUD)

When analyzing the validity of any Planned Unit Development (PUD), it is important to note long-term ramifications of city council's action or inaction. Indeed, we are judged by the decisions that we make. Our consistency (or inconsistency) in applying our own ordinances impacts us in many ways, including future PUD's and condemnation cases. For instance, if we ignore the requirements necessary for approval of a PUD, it becomes easier for the next developer to justify approval of an inadequate project. With that in mind, it is essential that we fully investigate each of the requirements necessary for preliminary approval of the Rochester Commons PUD.

Planned Unit Developments are governed by Section 35 of Chapter 39 (Zoning Ordinance) of the City Code. Specifically, the standards for approval are outlined in 35.70. In order for city council to approve the project, section 35.70.01 states, "The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility Conditions as stated in Section 35.30.00."

What exactly does the word "consistent" mean in this context, though? It must, at the very least, mean that a majority of the criteria are met, as they relate to the Intent of the ordinance in section 35.10.00. Upon reviewing this section, one quickly sees that there is a list of eight goals that describe the intent of the PUD section of the zoning ordinance. Upon review, only two of those eight goals are clearly met in the case of the Rochester Commons PUD. It does (A) encourage innovation and variety in design, layout, and types of land uses and structures. It also (E) encourages the assembly of properties and redevelopment of outdated structures and areas. Let us now take a more exhaustive look at the other six goals:

**(B) Ensure the preservation of significant natural features and open space areas.
THIS GOAL IS NOT MET**

The developer's plan calls for a small common park in the middle of the development. While this is open space, it is not necessarily a natural feature. Additionally, while 40% of the total development consists of surfaces other than pavement and building, this is less than the underlying density. Indeed, it is quite possible that there is less open space under this proposed development than any other development that is consistent with the Master Land Use Plan (or anything of a lesser density).

(C) Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and facilities.

THIS GOAL IS NOT MET

An 80 unit 3-story condominium development is an intense use of land and resources on this property. Residential development will utilize more public services than will office. The underlying R1-E is much less taxing on city services than this proposed development.

- (D) **Encourage a higher quality of development than can be achieved utilizing the requirements of the underlying zoning classifications.**

THIS GOAL IS NOT MET

In order to make any R1-E development profitable, a developer will need to charge a premium price for the end product, thus necessitating an upper-end development (relative to any other R1-E development). R1-E is much more consistent with the surrounding properties. The key to this goal is the phrase "underlying zoning classifications". We are not talking about the Master Land Use Plan designation, simply the underlying zoning classification (R1-E).

- (F) **Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy.**

????????????????????

This is debatable. Clearly this proposed development provides lower-priced new housing for the City. It is very rare to have new housing available for under \$200,000 nowadays. This project, however, does nothing for the city as far as employment, recreation or shopping is concerned. Indeed, the project is one-dimensional (housing), in contrast to the intent of multi-dimensional PUD's.

- (G) **Ensure compatibility of developments with the design and function of neighboring sites.**

????????????????????

This is very subjective, and can be argued either way. Certainly there cannot be much functionality with neighboring sites, as the development is essentially blocked off, buffered and fortified. It is not at all integrated with any neighbors, perhaps excepting the fire station.

- (H) **Ensure development that is consistent with the direction of the Master Land Use Plan.**

????????????????????

While the Master Land Use Plan shows low-rise office, this development is three-story multiple-family housing. Is that consistent? That, too, is debatable. Our consultant

(Richard Carlisle) takes a liberal view and says yes. It is assumed that a less dense development is not inconsistent with the concept of this parcel being a transition zone from the Rochester Road and Big Beaver Road frontage to the single-family residences to the east and north. A more conservative approach would come to the conclusion that office is office and, at any rate, this very dense residential development with three stories may even be denser than the Master Plan's two-story office development.

Additionally, section 35.10.00 says, "The provisions of this Article are not intended to be used as a device for avoiding the applicable zoning requirements." This type of development is most closely aligned with that of R1-T or RM-1. Neither of these zoning classifications allows for density or building height as great as this project. One must ask, "Are we allowing this development to proceed simply because we want the developer to be able to avoid using zoning classifications that are more appropriate?" If that is the case, then it is contrary to section 35.10.00 as quoted above.

Finally, please note the following closing paragraph in section 35.10.00:

The development permitted under this Article shall be considered as an optional means of development, and thus shall only be permitted when mutually agreeable to the developer and to the City Council.

Thus, there is no obligation for the city council to approve this project if it does not meet the standards as laid out in section 35 of Chapter 39 of the City Code.

Eligibility of the PUD is delineated in section 35.30.00. Paragraph A states, "The proposed development site shall be under a single ownership or control, and be capable of being planned and developed as one integral unit." Interestingly, in this project, the storm water retention area is contained on city-owned property off site. In order to comply with section 35.30.00, the developer needs to either purchase this property from the city or execute some sort of a use agreement (or lease) for this property. The developer also needs to make arrangements to have the condominium association maintain the retention area.

Another area of concern is the fact that the retention area is not contiguous to the rest of the project. While there is nothing in section 35 of chapter 39 that specifically prohibits this, council should be aware of the long-term ramifications of approving PUD projects that are not one connected piece. Certainly one can make the distinction between a project that is not one piece, yet the pieces are proximate to each other, to a project that is not one connected piece and the pieces are far apart (although that distinction is subjective). As a councilman, I must ask, "What are the ramifications?" Could such a decision allow development (in the future on other property) of land that would otherwise not be able to be developed? Is this a bad thing or a good thing?

35.30.00, paragraph B, requires one of three conditions to be met. Clearly, condition 1 is not met. Condition 3 is more than likely not met, as it has not been proven that a development under a conventional zoning approach is not economically feasible. Therefore, by default, condition 2 is the qualifying condition. This begs the question, "Does the flexibility of the PUD regulations allow a substantially higher quality development than could be achieved under a conventional zoning approach?" Just because there is creativity by the developer in jamming a very dense project into a relatively small parcel does not mean that the development is of substantially higher

quality than could be achieved under conventional zoning. In other words, there must be substantial proof that this condition is met. At this point, that proof does not exist.

Paragraph "C" in section 35.30.00 requires that "a sufficient number of the following (7) objectives, which would not be able to be accomplished without the use of the PUD, are met..." Again, the very subjective word "sufficient" is used. What exactly does the word sufficient mean in this context? Clearly, it must at least mean the majority (4) of the (7) conditions. Let us examine the seven conditions:

- (1) **Provide development quality objectives such as those referred to in Section 35.30.00-B-2 above.**

As mentioned above **THIS CONDITION HAS NOT BEEN PROVEN BY THE DEVELOPER**

- (2) **Provide a mixture of land uses that would otherwise not be permitted provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare**

There is no mixture of land uses in this development. It is all high-density mid-rise multiple family residential. Therefore:

THIS CONDITION HAS NOT BEEN MET

- (3) **Provide a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety and welfare, or protect the existing or future uses from the impacts of the proposed uses.**

There is clearly a public improvement that furthers the public welfare. The improvements to city-owned lands and the buffer provided by the developer mean that

THIS CONDITION HAS BEEN MET

- (4) **Alleviate traffic congestion**

This development does not alleviate any traffic congestion. Actually, it would be hard to do so, as it is replacing a vacant school. The section says nothing about the development in comparison to the office designation of the Master Land Use Plan. It simply mentions alleviating traffic congestion. The underlying zoning density would add less traffic and congest roads less than the proposed development. With this in mind:

THIS CONDITION HAS NOT BEEN MET

- (5) **Provide for the appropriate redevelopment or re-use of sites that are occupied by obsolete uses.**

This wording is so vague that just about anything could meet this criterion, although I wonder how the word “appropriate” adds any meaning to the sentence.

THIS CONDITION HAS BEEN MET

- (6) **Provide a complementary variety of housing types that is in harmony with the adjacent uses.**

This is very subjective, as well, but it is hard to believe that 20 units per acre of mid-rise high density multiple-family residential is in harmony with single family R1-E. Such high-density residential is not in harmony with the adjacent residential developments. The underlying R1-E is certainly in harmony, as is a less dense condominium development. Therefore,

THIS CONDITION HAS NOT BEEN MET

- (7) **Promote the intent of the Master Land Use Plan.**

Does this development function as a transition from the higher density of zoning that fronts Rochester and Big Beaver Roads to the low-density single family residential that constitutes the interior of this square mile? Whether or not this criterion has been met is very much debatable.

Upon review, only two of the seven conditions have been met. This is, by no means, a “sufficient number” of the seven objectives.

As I mentioned at the last city council meeting, I do not believe that this project merits approval at this time. This is not to say that it will never merit approval, simply that it needs some modifications. First, the retention basin needs to be “under the control” of the developer. This can be accomplished through a land-lease or land sale. Second, the developer needs to meet the merits of section 35. This can be accomplished by modifying the proposal and/or modifying the ordinance. The former is addressed by the developer, while the latter is addressed by city council. Let me emphasize that my position is not anti-developer, but rather consistent application of the Zoning Ordinance. I am concerned about the long-term ramifications of not following our own ordinances. As I mentioned at our last meeting, if there is frustration on the city council with this section of the ordinance, then modify it; don’t ignore or overlook it.

Attachment 4

Tadian Homes Response to City Manager's,
Uniformity of Analysis When Reviewing Proposed PUDs



Your Idea Of A Home

May 30, 2003

REC'D

MAY 30 2003

PLANNING DEPT.

Mark Miller, Planning Director
City of Troy Planning Department
500 West Big Beaver Road
Troy, MI 48084

RE: Rochester Commons PUD

Dear Mr. Miller;

The following information will give an overview of what we are proposing at Rochester Commons PUD while specifically answering questions asked by City Management.

1. Environment

- **Is any blight to be eradicated?**

Rochester Commons PUD plan has incorporated both the homes that have fallen into disrepair along Big Beaver and the Big Beaver School building, which has not been in use for a number of years. The homes located at one of Troy's main gateways are used as rentals with most of the owners living outside of Troy.

- **What is being done to preserve significant natural features and open space areas?**

As part of the PUD approval process we are required to provide substantially more open space and landscape area than the 10% requirements. Our plan indicates that nearly 40% of the site is landscaped. In Mr. Carlisle's letter dated 5/21/2003, he writes, "The plan has 2 strong elements: the pocket park and the perpendicular green spaces between the units. These features provide open space, as well as serve to provide clear organization for the development. The pocket park is the development's main outdoor amenity giving residents the opportunity to walk to a green area close to their homes."

2. Traffic

- Identify traffic volumes of the proposed development to what could be generated from maximum density under existing zoning classifications. Relate to peak and non-peak times.

The proposed multi-family condominium development will generate:

- AM peak hour – 43 trips ends
- PM peak hour – 51 trips ends

If an office building were developed as the Master Plan would allow:

Office Building size = 60,000 sq. ft

- AM peak hour – 124 trip ends
- PM peak hour – 147 trip ends

Office Building size = 50,000 sq. ft.

- AM peak hour – 108 trip ends
- PM peak hour – 147 trip ends

The analysis, based on 12/9/2002, Goodell-Grivas Traffic Study, clearly indicates that the traffic due to the multi-family condominiums development is less than half of the alternative office land use.

Current zoning is for Single Family Detached R-1E:

20 Units

- AM peak hour – 23 trip ends
- PM pak hour – 25 trip ends

As Tapan K. Datta, Ph.D., P.E., from Goodell-Grivas, noted in his 3/18/2003, letter, "The single-family detached residential development will certainly generate the least number of trips. However, such a development may be economically infeasible since the land being so close to major roadway corridors is certainly quite expensive.

Besides, single-family homeowners who are willing to spend high price for there lots often look for larger lot sizes, away from heavily traveled corridors and quieter neighborhoods. Economically, such a development will certainly mean the landowner would have to sacrifice significant value. Therefore, single-family detached housing is at this site is an infeasible scenario."

This view is also share by Dick Carlisle in a review letter dated 5/8/2003, "However, the consultant is correct in noting that the site is probably not appropriate for a single family detached residential development.

- **Analysis to also include comparison of traffic patterns and points of ingress/egress from proposed development to what could be developed under existing zoning.**

The traffic circulation and points of ingress/egress were based on the direction presented by the City Planning Department and confirmed as appropriate by Godell-Givas, the traffic consultants. They write, "The access to the property through Urban Crest Street is far superior to having an access from the Big Beaver Road for the following reasons;

- a. Eliminates an additional interruption to Big Beaver Road traffic.
- b. Existing traffic from the property intending to go east, will have to cross multiple lanes of traffic to turn around, which is a safety hazard or they may never be able to do so during the peak hour.

Considering all of the noted issues, it is evident that the proposed multi-family condominium development's access through Urban Crest Street will be the most appropriate land use."

Dick Carlisle review letter dated 5/21/03 once again confirms their opinion:

"The site will have one (1) direct access from Rochester Road via Urbancrest Street. The lack of an entrance from Big Beaver Road is based on the direction provided by City staff and our office. The revised entrance improves the overall site layout and allows for uninterrupted greenbelt along Big Beaver. The resulting traffic impact on Urbancrest and Rochester Road was investigated by the applicant's traffic consultant, who found that LOS service at the intersection of the two (2) street would remain at the same level following development of the site."

3. Durability of Design and Use

- **What architectural features, material, and building elements are being proposed that exceed industry standards? Also delineate obstacles developed had or will overcome in achieving this particular site development, and include any assemblage of adjacent parcels in your community.**

The units are traditional in their design with a "Bay Harbor" feel to the architecture. The materials will be a combination of stone and cement board (Hardi-Plank) siding. Window and trim details enhance the appearance of the units. The park pavilion and group mailbox will match the units' design and stone monuments from the school building will be incorporated into the pavilion.

Our original intent was to develop the school property only. At the direction of the City's staff the homes along Big Beaver Road were also purchased over a 2-year period, and incorporated into the plan.

- **Comment on how landscaping on the proposed site compares to basic requirements.**

Rochester Commons is providing 30% more landscaping than required if the site was developed as multi-family housing. We are enlarging the detention pond located on the fire station property into a retention pond that will feature a fountain with extensive landscaping surrounding this area. We have included in our plan screening to buffer the site from adjacent properties above and beyond ordinance requirements. Most of the units have been oriented towards the central park and a series of trails will connect this park to the future city park on the corner of Rochester Road and Big Beaver Road.

- **How does proposal compare with general direction of the master land use plan?**
In Dick Carlisle memorandum to City Council dated 5/21/2003 he writes, "Although not identical with the low rise office designation delineated by the Master Plan, the use is consistent with the transitional character that the low rise office designation encourages. Residential use will have less impact on neighboring uses than office use." There is also a letter dated 2/19/2003, to Mr. Miller, which gives greater detail and support of this issue. A copy is attached for your review.

4. Economics

- **Determine if proposed PUD will be a catalyst to improve and/or support surrounding area.**

The proposed development will provide an attractive and viable use and remove the current obsolete and detractive uses (abandoned school and homes in disrepair) currently on the site. This redevelopment along with the enhancement of the retention facility will be a significant benefit to the overall area. The pond is being sized to provide additional capacity for properties north of Urbancrest, which can be provided as an incentive for redevelopment.

- **If density incentive is being proposed, determine differential from maximum density under applicable zoning.**

The maximum number of units allowed under current zoning would be approximately 4 units to the acre and as master planned the site could have a 60,000 square foot office building. Under multiple housing zoning the site could be built under either RM-1 which allows for 9 units per acre or RM-2 which allows for 24 units per acre. The Rochester Commons PUD is requesting 16.4 units to the acre. Using the RM 1 and RM2 for comparison, Rochester Commons will provide more open space than required with less building coverage than allowed.

5. Public Input

- As the first stages of a PUD is a blending of developer and staff input which is later calibrated by the Planning Commission and City Council, meeting will be held with surrounding property owners prior to the public hearing at the Planning Commission level. Staff members will attend the information meeting along with the developer so that public input comments can be made as part of the analysis by staff to the Planning Commission, and City Council; also because staff will have had input in the PUD plan.

Please see enclosed Rochester Commons Public Comments.

Attachment 5

June 16, 2003 City Council Agenda Information

June 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING – PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW – PUD-002 Rochester Commons – North side of Big Beaver Road, east of Rochester Road and west of Daley Street, section 23.

RECOMMENDATION

The Planning Commission conducted a Public Hearing on March 11, 2003 and on May 13, 2003. In addition, the proposed PUD was discussed at three Study Meetings. At the May 13, 2003 Public Hearing the Planning Commission recommended approval of the proposed Rochester Commons Planned Unit Development Preliminary Site Plan, as submitted. City Management and the City's Planning consultant concur with the Planning Commission and recommend approval.

GENERAL INFORMATION

Name of Owner / Applicant:

Tadian Developments.

Size of subject parcel:

The parcel is approximately 4.86 acres in size.

Proposed use(s) of subject parcel:

The applicant is proposing 80 multi-family dwellings.

Current use of subject property:

The property is presently occupied by a vacant elementary school that is in poor condition and four single family homes.

Current use of adjacent parcels:

North: Single family residential.

South: Single family residential.

East: Single family residential.

West: City of Troy fire station and single family residential.

Current zoning classification:

The parcel is currently zoned R-1E One Family Residential.

Zoning classification of adjacent parcels:

North: R-1E One Family Residential.

South: R-1E One Family Residential.

East: R-1E One Family Residential.

West: C-F Community Facilities and R-1E One Family Residential.

Future Land Use Designation:

The property is designated as Low Rise Office on the Future Land Use Plan.

Stormwater Detention:

The applicant is proposing to utilize a portion of the city-owned property to the west of the fire station for stormwater detention. This detention basin will be designed to a size sufficient enough to accommodate additional stormwater should other property in the immediate area be developed, including the fire station.

Natural features and floodplains:

The Natural Features Map indicates that there are no significant natural features located on the property.

Compatibility with adjacent land uses:

The multi-family dwellings are compatible with the surrounding neighborhood in terms of use. The development will contrast with the adjacent detached single-family residence in terms of height and scale. The proximity to existing homes to the east will compound this difference. The applicant is proposing to provide extensive buffering comprised of hedges, large evergreen trees and shade trees to soften the proposed development.

It should be noted that the property is classified on the Future Land Use Plan as Low Rise Office. The maximum height for an office building in O-1 is 3 stories, with a minimum side yard setback of 20 feet. There is a requirement for a 6-foot high wall for offices in O-1 on parcels that abut residentially zoned property. There is also a 4-foot, 6-inch screen wall for off-street parking areas. There are no other landscape buffer requirements for the common lot line between O-1 and R-1E. If the property were to be rezoned to O-1, the residential properties to the east could abut a 3-story

office structure that is set back only 20 feet from the property line. The only required screening would be a 6-foot high wall, with no other landscaping required. The proposed landscape buffer exceeds the screen wall in this scenario.

Compliance With Standards For Approval Of Planned Unit Developments (Section 35.70.00)

In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:

The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:

The proposed development is consistent with the Intent of the PUD option in that it involves the assembly of properties and the redevelopment of outdated structures and areas, provides enhanced housing and recreation opportunities, and involves innovation and variety in design and layout and types of land uses and structures.

The application is consistent with the Eligibility conditions in that it will be under a single ownership and involves the improvement of property characterized by extreme obsolescence that would be difficult to develop under a conventional zoning approach. In addition, the application will provide public facilities which could not otherwise be required, provide a complementary variety of housing types that are in harmony with the adjacent uses, and provide for the redevelopment or re-use of sites that are occupied by obsolete uses.

The proposed Planned Unit Development shall be consistent with the intent of Master Land Use Plan:

The Future Land Use Plan delineates the property as Low Rise Office. The attached memorandum and report from the City's Planning Consultant, Richard Carlisle, dated February 19, 2003, clarifies how the PUD application is consistent with the intent of the Future Land Use Plan.

The application is consistent with the Residential Areas Development Policies of the Future Land Use Plan, which include the following:

- a) Continue the development of Troy's residential areas at densities compatible with adjacent areas.

- b) Encourage a variety of housing types within the density framework of the Future Land Use Plan.
- c) Encourage private development, renovation, and redevelopment of residential areas.
- d) Provide for recreational and cultural amenities and facilities which will support and enhance residential areas.
- e) Encourage the provision and maintenance of open space and environmental preservation areas within residential areas.

In addition, the proposed development is appropriate as a transition area between the Big Beaver corridor and the single family residential uses to the north and east.

The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:

The bulk, placement, and materials of construction of the proposed structures and other site improvements:

The applicant is proposing a total of 80 units on the 4.86-acre parcel, a density of 16.5 units per acre. Because the units are attached, the developments bulk will be larger than the abutting detached one-family residences to the north and east. The applicant has addressed this issue by providing a landscape buffer along the east and north property lines. The units north of Big Beaver face the street and will have a relationship with the Big Beaver corridor in terms of exposure and non-motorized access. Front elevations indicate that the design and building materials will provide visual interest. The applicant has provided samples of the siding to be used for the units and the siding appears to be durable and of high quality.

The applicant will provide a bike path along Big Beaver that connects to a walkway system through the development to the north and Urbancrest. The applicant will also pave Urbancrest and plant shade trees along both sides of the street. Detention will be provided by a landscaped detention pond with decorative metal fencing, located on city-owned property west of the fire station. This detention basin will be designed to serve as a regional

detention basin for the area should the area north of Urbancrest be redeveloped. A pocket park and pavilion will be provided within the development. An emergency access drive will connect the development to Parkton Street to the north.

The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:

The applicant is proposing two off street parking spaces per unit; one space is to be located within the garage and the second space will be in front of each garage. In addition, there will be 33 parallel parking spaces for guest parking. The Site Plan indicates that the off street parking areas will be screened from adjacent property by a combination of berms, hedges and trees.

The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:

The only proposed use is single-family attached dwellings. Outdoor storage, work areas, and mechanical equipment will not be required.

The hours of operation of the proposed uses:

The only proposed use is single-family attached dwellings, which do not have regular hours of operation.

The location, amount, type and intensity of landscaping, and other site amenities:

A Conceptual Landscape Plan has been provided. The plan indicates species types, size, spacing or other specific information. The applicant is providing a central pocket park with a lawn area, perennial garden, shade trees, gazebo area and seating. The applicant is proposing to provide landscaped berms along Big Beaver Road and along the western edge of the property. The development will be buffered from the north and east with trees and hedges. Sidewalks will be provided throughout the development. The applicant is proposing to pave the portion of Urbancrest that is presently unpaved.

The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04).

The proposed development will not exceed the capacities of existing public facilities. The detention pond will be designed so that it can accommodate additional stormwater runoff should property on the north side of Urbancrest be redeveloped in the future.

The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05).

Vehicular access to the PUD will be from Urbancrest to the west. Urbancrest presently provides access to 4 single-family homes and a City of Troy Fire Station. Traffic generated by the proposed PUD will be less than the traffic that would be generated for an office development on the same parcel.

The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic.

There is a proposed bike path on the north side of Big Beaver, between Daley Street and the community park at the Big Beaver/Rochester Road intersection. The path is also located on the city-owned property to the west, between Big Beaver and Urbancrest. This trail connects to the sidewalk system throughout the proposed development and connecting to each unit. There is a proposed emergency access connection to Parkton Street to the north that will serve as a non-motorized connection.

The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances.

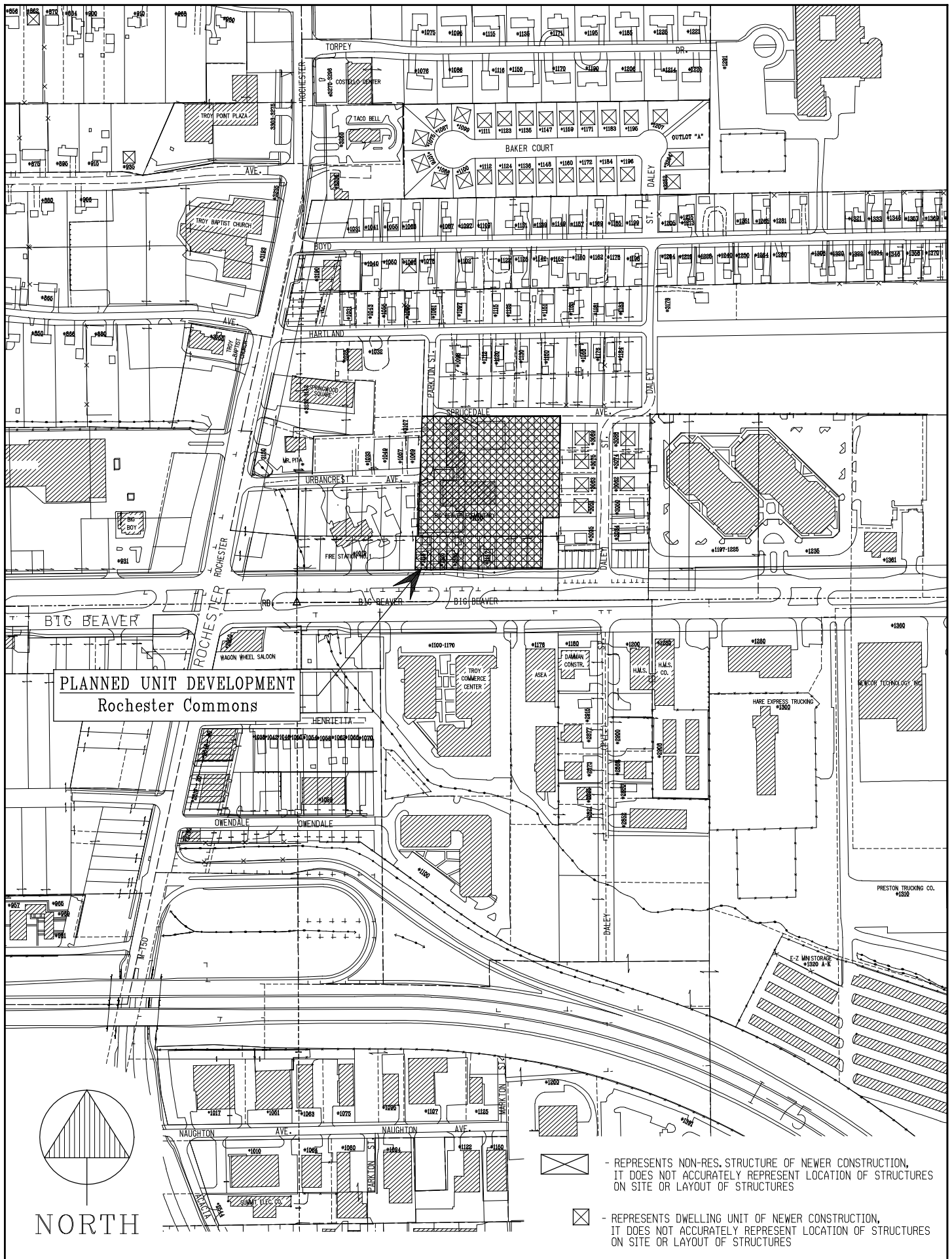
The PUD is in compliance with all applicable laws and ordinances.

cc: Applicant
File/PUD-002
Planners (4)

CITY OF TROY

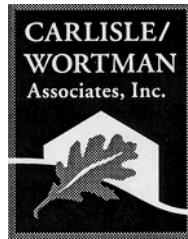






PLANNED UNIT DEVELOPMENT
ROCHESTER COMMONS
N SIDE BIG BEAVER, W OF DALEY
SEC. 23 R-1E (PUD-2)





Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

MEMORANDUM

TO: City Council
City of Troy

FROM: Richard K. Carlisle

DATE: May 21, 2003

RE: Summary of Comments - Rochester Commons PUD

I have been asked to provide a summarized version of our comments and recommendations relative to the proposed project. Detailed comments may be found in our review dated May 21, 2003.

Project Description

The site in question is located near the intersection of Big Beaver Road and Rochester Road, and is accessed from Urbancrest Street. The 4.86 acre site includes nine (9) parcels, a number of single-family units and the vacant Big Beaver School building. The applicant proposes to build seven (7) three-story multiple family condominium buildings. The buildings will include a total of eighty (80) units, ranging in size of 1,100 to 1,300 square feet. The site is zoned as R-1E, One-Family Residential and is Master Planned for Low Rise Office.

The applicant has requested the use of the PUD option due to the following:

- Development strictly according to the R-1E zoning district may not be the best use of the site, evidenced by the state of the current uses on the site.
- The unconventional site, including frontage on Big Beaver Road and Urbancrest Street, and the adjacent mix of uses, makes conventional development difficult.
- Multiple family residential, while providing an appropriate transitional use for the area, is not permitted in the R-1E zoning district.

Consistency with PUD Standards

Criteria and general design standards for use of the PUD option are set forth in Section 35.30.00 Eligibility and in Section 35.40.00 General Development Standards. The following are our comments:

1. We believe the site is an appropriate location for use of the PUD. The appropriateness of the site for the PUD option is based on:
 - a. The unique layout and location of the site, which could be better served by the flexibility of the PUD ordinance.
 - b. The site's economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road (as demonstrated by the condition of some of the existing single family residential homes).
2. The project meets a sufficient number of objectives set forth by the PUD.
 - a. A demonstration that the "development quality objectives" are met. The site layout is based on a creative design that enhances the use of an obsolete site. Project elements include a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road, the adjacent park, an excellent landscape design and improvement of the City Fire Department property.
 - b. The use will include substantial screening to buffer the site from adjacent properties, and open space above and beyond Ordinance requirements.
 - c. The site will have one (1) direct access from Rochester Road via Urbancrest Street, which is an improvement over the safety and access concerns associated with a Big Beaver Road access.
 - d. Although not identical with the low rise office designation delineated by the Master Plan, the use is consistent with the transitional character that the low rise office designation encourages. Residential use will have less impact on neighboring uses than office use.

City of Troy City Council
May 21, 2003
Page 3

Recommendation

One of the goals of the PUD option is to encourage the redevelopment and infill of properties with the qualities that exist on this site. The PUD option will permit the creation of a unique development that will provide an appropriate transitional use compatible with each of its surrounding uses. To meet the intent of the PUD, there has been continual coordination between the City, our office and the applicant to provide the greatest design and overall project for the site.

It is our opinion that this project could create an attractive and highly functional development that will further the public health, safety and welfare of the residents of this and the adjacent neighborhood. We believe that the use of the PUD, and the resulting design, will provide one of the best options available for redevelopment of this site. We would therefore recommend that the City Council approve the use of the PUD option.

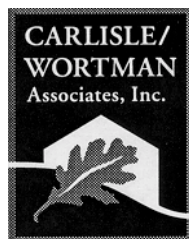
CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

RKC:jk
225-02-2201

cc: Nick Donofrio, Tadian Homes, FAX (248) 643-9693
Jim Butler, Professional Engineering Associates, FAX (248) 689-1044
Randy Metz, Grissim, Metz, Andriese Associates, FAX (248) 347-1005



Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

Date: March 5, 2003
Revised: May 8, 2003
Revised: May 21, 2003

Planned Unit Development/Site Plan Review For City of Troy, Michigan

GENERAL INFORMATION

Applicant: Tadian Homes
2039 W. Big Beaver Road, Suite 200
Troy, Michigan 48084

Project Name: Rochester Commons

Plan Date: February 18, 2003

Latest Revision: April 25, 2003

Location: The intersection of Parkton and Urbancrest Streets (the north side of Big Beaver Road, between Rochester Road and Daley Street).

Zoning: R-1E, One-Family Residential

Action Requested: City Council approval of Preliminary Site Plan and PUD.

Required Information: Provided.

PROJECT AND SITE DESCRIPTION

The applicant proposes to build seven (7) three-story multiple family condominium buildings. A total of eighty (80) units, ranging in size of 1,100 to 1,300 sq. ft. will be constructed. The 4.86 acre site includes nine (9) parcels, a number of single-family units and the vacant Big Beaver School building.



NEIGHBORING ZONING AND LAND USE

- North:** Use to the north is comprised of single-family residential uses, zoned R-1E, One-Family Residential.
- South:** Use to the south is Big Beaver Road. On the south side of Big Beaver, properties are zoned M-1, Light Industrial.
- East:** The land use directly to the east is comprised of single family residential uses, zoned R-1E, One-Family Residential. Further to the east, the frontage of Big Beaver is zoned and used as office.
- West:** The land use to the west is comprised of single-family residential (north of Urbancrest) and a City Fire Station (south of Urbancrest). Zoning is split based on these uses, including R-1E and C-F Community Facilities.

Items to be Addressed: None

MASTER PLAN

The subject property is currently planned for Low Rise Office. The intent of the designation, among others, is to provide a transition from the office, commercial and industrial uses of Big Beaver Road to the outlying residential areas to the north.

Although the proposed use is not identical to the office designation, it meets the intent of the Master Land Use Plan. The use will be effective in providing a transition from the more intensive commercial and community facility uses to the west and to the low intensive single-family uses to the east. More discussion is provided in this report, as well as a previous opinion written by our office provided as Attachment I.

The following illustrates the surrounding Master Land Use Plan designations:

North:	Low Density Residential
South:	Major Thoroughfare (Big Beaver). On the south side of Big Beaver Road the area is planned for Light Industrial/Research.
East:	Low Rise Office.
West:	Low Rise Office.

Items to be Addressed: None

NATURAL RESOURCES

Topography:	The topography is best described as flat, sloping from the northwest to southeast.
Woodlands:	There are no significant woodlands on-site. The applicant has provided the location of the site's existing trees, most of which consists of perimeter vegetation. Although many of the trees are in reasonably good condition, they are not of high quality. Replacement trees will be of much higher quality.
Wetlands:	There are no existing wetlands on this site.
Flood Plain:	According to the Preliminary Environmental Impact Study provided by the applicant, the southern part of the site is located within the floodplain. It is our understanding that the floodplain mapping is in the process of revision.

Other: A Preliminary Environmental Impact Statement has been provided. A Final Environmental Impact Statement will be required with the application for Final Plan approval.

Items to be Addressed: None.

TRAFFIC IMPACT

The site development will be accessed from Rochester Road via Urbancrest Street. Because there is no direct access to Big Beaver, projected traffic impacts on such shall be limited. According to the applicant's traffic impact study the proposed development is expected to generate forty-three (43) total trips during the AM peak hour (seven (7) inbound and thirty-six (36) outbound) and fifty-one (51) total trips during the PM peak hour (thirty-four (34) inbound and seventeen (17) outbound).

Urbancrest Street will be paved from the current end of pavement near the fire station to handle the development's traffic. Based on the traffic impact study, the Rochester Road/Urbancrest Street intersection will continue to operate at LOS "C" and LOS "D" levels during respective AM and PM peak hours, which are acceptable levels of service. Parkston Street will also be affected, as its connection from Urbancrest will be closed for general traffic. However, an access drive from the site will be connected to Parkston for emergency use only.

The applicant has provided supplemental traffic information from the project's traffic consultant in letters dated March 18th and April 8th, 2003. The former is in respect to projected traffic impact of other uses on the site, including an office building and single family detached residential development. Office use, as per the Master Plan designation, would have the largest impact, followed by the proposed multiple family development, with the single family development having the least traffic impact. However, the consultant is correct in noting that the site is probably not appropriate for a single family detached residential development.

The April 8th letter is also in response to concerns expressed by the public and Planning Commission at meetings where this project has been discussed. According to the letter, Urbancrest will not have a stacking problem. With the limited amount of traffic being spread out over the morning peak period, and the gaps that the traffic signal provides at the Rochester/Big Beaver intersection, current and future traffic turning off of Urbancrest should not have a problem.

Items to be Addressed: None.

ESSENTIAL FACILITIES AND SERVICES

The site has access to water and sewer that is located in Big Beaver Road. Stormwater will be directed off of the site to a retention facility on the fire station property, which will be further improved and enhanced by the applicant. An outlet from this facility will link to the storm sewer from Big Beaver Road.

The enhancement of the retention facility will be significant benefit to the overall area. It is being sized to provide additional capacity for properties north of Urbancrest, which can be provided as an incentive for redevelopment.

Items to be Addressed: None.

PUD ELIGIBILITY

The Zoning Ordinance sets forth criteria in Section 35.30.00 Eligibility, for consideration of a project as a PUD. The following are our comments:

Section 35.30.00, A. and B.: The proposed development meets the location requirements set forth in Section 35.30.00, A. and B. Approval of the site will require approval from the City Council, following a recommendation from the Planning Commission that the standards of 35.30.00 B 2. or 3. are met. We believe that the site is appropriate for either category; the unique layout and location of the site could be better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road (as demonstrated by the condition of some of the existing single family residential homes). As previously noted, the multiple-family residential would be similar to the office use in being a transition and compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

35.30.00.C. The applicant must demonstrate that a sufficient number of objectives are met which would not be accomplished without the use of the PUD. As the comments indicate, we would advise that the intent of the PUD is being met.

1: The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.

2: The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, we do not believe that a mix of uses is a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a “combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan.” While the definition refers to a combination of uses, such consideration is mitigated or tempered by “the specific development configuration and use allocation” as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

Eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the “applicant must show that a sufficient number of ... objectives ... are met.”

3: The use will include screening to buffer the site from adjacent properties above and beyond Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

4: The site will have one (1) direct access from Rochester Road via Urbancrest Street. The lack of an entrance from Big Beaver Road is based on the direction provided by City staff and our office. The revised entrance improves the overall site layout and allows for uninterrupted greenbelt along Big Beaver. The resulting traffic impact on Urbancrest and Rochester Road was investigated by the applicant’s traffic consultant, who found that LOS service at the intersection of the two (2) streets would remain at the same level following development of the site.

5: The development will provide an appropriate use of a site characterized by the vacant school building, older housing of diminishing appearance, and vacant lots.

6: As noted, the use will be compatible with the fire station, single-family residences and Big Beaver frontage.

7: Also as noted, while the use may not be identical with the low rise office designation delineated by the Master Plan, it is consistent with the transitional character that the low rise office designation encourages.

Items to be Addressed: None.

PLANNED UNIT DEVELOPMENT STANDARDS

The Ordinance sets forth general standards in Section 35.40.00 General Development Standards. The following are our comments:

A. Consistency with Intent of Master Plan:

Regarding consistency with the Master Plan, Section 35.10.00.H. states that the intent of the PUD option is to “ensure development that is consistent with the direction of the Master Land Use Plan.” The same phrase is repeated in the second sentence of the definition of PUD found in Section 35.20.00 and also in Section 35.40.00. Section 35.50.02 goes on to state the converse of the previous statements that an applicant may request an amendment to the Master Plan if the use is not consistent. The key words throughout the Ordinance are consistent with the intent of the Master Land Use Plan. The Master Land Use Plan is not a Zoning Map, it is a guide to land use policy.

In the case of the Rochester Commons site, the Land Use Plan designation calls for low rise office. The office designation is typically used as a transition between more intense commercial uses and less intense single-family residential. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

It is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

It is our opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, we do not believe an amendment is necessary.

It is also important to consider that the amendments made to the Master Plan for residential uses in areas along or adjacent to Big Beaver Road. In *Subsection E (Residential Diversity and Other Plan Amendments)* of *Section I (Evolution of the Master Plan)*, the Master Plan discusses amendments made to expand the potential diversity of residential development in the Big Beaver Road corridor. These amendments were made to improve alternatives to the dominant base of single-family residential in the City, but also to provide support for the commercial and office uses of the Corridor.

One (1) other consideration of the Master Plan discussion of the Low Rise Office designation:

"Establish standards for the provision of pedestrian amenities and facilities on development sites." Future Land Use Plan, page 19.

- The site plan encourages a positive pedestrian layout on the site, as well as connections off-site to the park at the Big Beaver/Rochester Road intersection, the

Big Beaver Road safety path, and elsewhere. Each building is connected by sidewalks, and includes special paving at most of the crosswalks. A larger “bikeway/walkway”, located partly on the fire station property, connects the site to the Big Beaver Road safety path. Indication of approval from the fire department for the proposed walk, as well as the proposed detention facility and landscaping, should be provided.

- The layout of the site includes the central pocket park and pavilion, which the majority of the units front upon. Benches, a perennial border and decorative fencing are also provided to create a distinct area for pedestrian use.

B. Consistency and Compatibility with Adjacent Properties:

The proposed multiple-family condominiums are compatible and provide a transition between the following uses:

- To the north:
Single-family residential.
- To the south (Big Beaver):
- To the west:
Fire station/community park, and single-family residential.
- To the east:
Single-family residential.

C. Open Space and Landscape Area:

The applicant is required to provide substantially more open space and landscape area than the ten (10%) percent requirement of Section 39.70.04. Open space and landscape features are intended to be primary features of developments seeking PUD approval and are expected to provide substantially more open space area than that required for typical developments.

The proposed site plan indicates that over 80,000 sq. ft., or nearly forty (40%) percent of the site, is landscaped. Though the figure may be a little high (a breakdown of how this figure was determined was not provided), the landscaping appears to be much higher than the ten (10%) percent required.

D. Stormwater Detention/Retention:

The applicant plans to use the retention pond on the fire station property for the site’s stormwater. The facility will be enlarged and enhanced to handle the stormwater from both sites. The pond has been landscaped to provide an attractive appearance. In addition, the applicant is proposing decorative metal fencing. Section 35.40.00.D does not permit fencing.

E. Parking:

Two (2) parking spaces per unit are required. The site plan will provide eighty (80) spaces within the garages and eighty (80) spaces within the driveway, to meet the required one hundred sixty (160) spaces. An additional thirty-three (33) spaces will be provided on the street for visitor parking. The applicant is requesting a deviation of one (1) foot from the parking standards for eight (8) foot parallel parking space widths. This is discussed in greater detail in the parking section of this review.

F. Implementation Single/Cohesive Development vs. Multi-Stage Development:

The development of the site will be completed as a single coordinated and cohesive development project.

Items to be Addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

The underlying R-1E zoning requirements are not applicable to a project of this nature. Based upon the density of the project, the RM-1 and RM-2 may be more applicable. However, both of these Districts utilize dated formulas that are not reflective of more current housing and architectural styles.

Per our request, the applicant has provided a table of the deviations for the proposed project in comparison to the standards of the O-1, RM-1 and RM-2 Districts. Based on the table provided, the development exceeds the maximum height, density and is deficient in the height of the buffer for the RM-1 District. However, the project would meet all but one (1) of the standards of the RM-2 District. The one (1) deviation noted from this category is the reduction in the height of the berm from five (5) feet to four (4) feet. As the table notes, the reduction is coupled with the installation of the pathway and associated amenities, as well as the large percentage of landscape/open space.

In addition, it is our opinion that the setbacks that are critical are along the northern and eastern boundaries. In both cases, these setbacks are in excess of fifty (50) feet along each property line.

Items to be Addressed: None.

PARKING, LOADING

The Ordinance requires two (2) off-street spaces per unit. Parking will be provided in single car garages with driveways. In addition, there will be thirty-three (33) spaces provided on-street. We are satisfied that parking is adequate for both residents and visitors.

	<u>Required</u>	<u>Provided</u>
Off-Street	80	--
On-Street	--	33

No barrier free visitor spaces have been provided. However, based on the use of the site, off-street spaces could be used for any barrier free needs.

The width of the on-street spaces are required to be at least nine (9) feet. The applicant has indicated that he would like a reduction of one (1) foot to eight (8) foot in width. We believe the request is reasonable for a project of this nature.

Items to be Addressed: *None.*

SITE ACCESS AND CIRCULATION

Site Access: The development would revise the current street layout, eliminating the direct connection between Urbancrest and Parkton Street. Urbancrest would culminate into the development at the proposed park and split into a number of one (1) and two (2) way drives. An emergency access connection to Parkton would also be provided. The applicant has revised the access to a bituminous pavement section in accordance with and based on the requirements of the Fire Department.

The connection to Big Beaver Road shown on previous plans has been eliminated, due to the access and cut-through traffic concerns that would have likely resulted. Access to the existing single-family residences on the northwest side of the Urbancrest/Parkton intersection will remain.

Site Circulation: The site's one (1) and two (2) way streets will direct vehicles around the development. Access to the garage units and driveways of the buildings will be provided by rear alleys. The width of the drives vary, with a minimum width of eighteen (18) feet for the one (1) way drives and twenty-four (24) feet for the two (2) way drives.

The width of one (1) way drive with on-street parking has been kept to a minimum. The ordinance requires a minimum width of thirty (30) feet from curb to curb. Although twenty-six (26) feet has been provided, we believe that such a width is adequate and allows for safe access and circulation.

Items to be Addressed: None.

SAFETY PATHS/SIDEWALKS

An existing sidewalk along some areas of Big Beaver Road will be replaced by a safety path. This path is located to reflect future improvements to Big Beaver. A safety path will also be constructed along the west property line to connect the Big Beaver safety path to the sidewalk network of the site. Internally, this network includes sidewalks connecting each of the buildings to each other and to the pocket park. Other pedestrian elements within the site include the park area, benches and a “common identity piece”.

Items to be Addressed: None.

LANDSCAPING

The applicant has provided a conceptual landscape plan and narrative description for the site. Rendered landscape and detail sheets have been included. The plan includes a substantial amount of landscaping, including the proposed amenities of the pocket park, screening at the property lines and for the detention basin, and street trees throughout the site. Review of the plan by the Troy Department of Parks and Recreation to determine compliance with the Landscape Design and Tree Preservation Standards will be required prior to final approval.

Composition: The mix of landscaping is appropriate. The applicant is proposing a wide range of landscaping types, spread throughout the site.

Existing Landscaping: The majority of the trees on the site will be removed based on the construction of the interior drives and the southern group of buildings. The narrative describing the landscape concept indicates that some of the perimeter vegetation on the north and east boundaries will be preserved and supplemented. Plans indicate that several of the large Norway Spruces on the site will be preserved. However, as indicated, much of the existing vegetation is not high quality.

Greenbelt: The Big Beaver Road greenbelt and landscaping has been provided, and exceeds the required depth of ten (10) feet. The plan includes a mix of berms, flowering and shade trees, and the safety path. In concept, the appearance of this frontage will be excellent and carry across the subject site to include the Fire Station. A greenbelt at the rear of the site also

exceeds the required ten (10) feet. An evergreen hedge along with deciduous trees is proposed along the north and sections of the east property line.

Residential

Screening:

Although not required by Ordinance, extensive screening is provided between the project and neighboring residences. The east property line includes large evergreens and deciduous trees.

Site

Landscaping:

Developments requesting PUD approval shall provide substantially more open space area than required for typical developments within the underlying zoning district. As noted in the PUD section, the site plan indicates that nearly forty (40%) percent has been provided for site landscaping.

Details:

Details have been provided and are appropriate. Review by the Troy Department Parks and Recreation department is required.

Refuse

Container:

Trash receptacles are provided along the pathway system and are appropriate. No other refuse containers are proposed.

Other:

The revised plan includes a couple of changes that should be noted. Transplanted evergreens have been added along the north property line at the southeast corner of the site. We commend the applicant for this, though the condition of the trees may be a concern (as noted, a number of the site's existing evergreens are currently in poor condition).

Previous plans indicated Urbancrest as a "tree lined street", with each of the trees appearing to be proposed. However, the location of current drainage and existing trees makes this impossible.

Approval for all work within the Big Beaver Road right-of-way will be required.

Items to be Addressed: None.

LIGHTING

Conceptual lighting information has been provided. Decorative light fixtures approximately nineteen (19) feet in height will be provided for internal drives. Based on the provided detail, some of the light fixtures will include directional or street signage as well. The applicant has provided a photometric plan which we find to be acceptable.

Items to be Addressed: None.

SIGNS

An entry sign is not anticipated. The applicant has provided the location and type of directional signage (indicating one (1) way, do not enter, etc.) on the site.

Items to be Addressed: None.

FLOOR PLANS AND ELEVATIONS

Elevations have been provided for the buildings. Commission previously expressed a concern over the appearance of the units. The colored rendering in the Project Report indicated very attractive units with traditional design details. Materials will be a combination of stone and siding. Window and trim details enhance the appearance of the units.

The height of the residential buildings range from twenty-eight feet eight inches (28' - 8") to thirty-three feet eight inches (33' - 8") and exceed the twenty-five (25) foot height permitted. However, the nature of the use, particularly in relation to the location of the site along Big Beaver Road and the size and type of the various uses along the Big Beaver Corridor, the height increase is justified as part of the PUD approval. In addition, a three-story building of thirty-six (36) feet in height would be permitted in the O-1 District.

The revised plans include elevations and details for the pavilion and mailbox. Based on these elevations, materials and style will be consistent with those of the main buildings on the site.

Items to be Addressed: None.

RECOMMENDATIONS

The proposed PUD will provide an attractive and viable use and remove the current obsolete and detractive uses currently on the site. The use will be compatible with the neighboring uses and will provide a transition from the intensive aspects of Big Beaver Road and its uses to the adjacent single-family residential neighborhoods. The quality of the design, including the pedestrian amenities, the central green area, and traffic circulation, are well thought out and are based on the direction presented by the City Planning Department.

Specifically, the project contains the following elements that exhibit exemplary PUD planning and design:

- This is an urban residential concept that emphasizes a community or neighborhood feeling by orienting most of the units to a central "core", or pocket park.

- The plan has two (2) strong elements: the pocket park that is in line with Urbancrest Street, and the perpendicular green spaces between the units. These features provide open space, as well as serve to provide clear organization for the development.
- The pocket park is the development's main outdoor amenity, giving residents the opportunity to walk to a green area close to their homes. It can also be used for a community gathering space and recreational space for smaller children. The park also provides a significant view for most residents, letting natural light into their homes while buffering them from units directly across the street.
- All units provide for vehicle storage in the rear of the buildings without dominating the building facades with garage doors. This creates a comfortable, pedestrian-scale streetscape. It also provides private "alleyways" that can be used by residents as casual gathering spaces, work spaces, or recreation areas for older children (basketball, roller blades, skateboarding).
- The units that face Big Beaver provide attractive views for vehicles and pedestrians using the roadway. Orienting some units toward Big Beaver, rather than turning their backs on this road, indicates the road's significance.
- In addition to vehicle access off of Urbancrest, the development is also accessible by non-motorized transportation through the pedestrian safety-path proposed along Big Beaver. This pathway will also allow residents of Rochester Commons to walk to the proposed park on the corner of Big Beaver and Rochester roads.
- Stormwater detention will be provided on City owned property by enlarging and enhancing the existing detention facility.

We recommend approval by the City Council of the preliminary site plan and PUD designation.

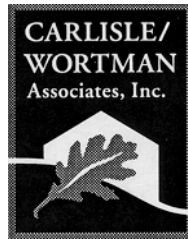
CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

225-02-2201

cc: Nick Donofrio, Tadian Homes, FAX (248) 643-9693
Jim Butler, Professional Engineering Associates, FAX (248) 689-1044
Randy Metz, Grissim, Metz, Andriese Associates, FAX (248) 347-1005



Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

February 19, 2003

Mark Miller, Planning Director
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: PUD Option/Rochester Commons

Dear Mark:

You have asked for my opinion on two specific aspects of the PUD option. The first issue relates to consistency with the Master Plan. The second issue is whether all PUD's must be mixed use in nature.

Regarding consistency with the Master Plan, Section 35.10.00.H. states that the intent of the PUD option is to "ensure development that is consistent with the direction of the Master Land Use Plan." The same phrase is repeated in the second sentence of the definition of PUD found in Section 35.20.00 and also in Section 35.40.00. Section 35.50.02 goes on to state the converse of the previous statements that an applicant may request an amendment to the Master Plan if the use is not consistent. The key words throughout the Ordinance are consistent with the intent of the Master Land Use Plan. The Master Land Use Plan is not a Zoning Map, it is a guide to land use policy.

In the case of the Rochester Commons site, the Land Use Plan designation calls for low rise office. The office designation is typically used as a transition between more intense commercial uses and less intense single family residential. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

It is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

Mr. Mark Miller
February 19, 2003
Page 2

It is my opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, I do not believe an amendment is necessary.

The second issue is whether a mix of uses is required. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." While the definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

Eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one of seven objectives that may be considered. However, the Ordinance does not require that all seven objectives are met. It states that the "applicant must show that a sufficient number of objectives... are met."

The Rochester Commons project meets a number of important objectives, which will be more fully documented in our detailed review. However, I am confident that the project can proceed without the necessity of mixed use or an Ordinance amendment and meet both the letter and intent of the PUD Ordinance.

Please let me know if you have additional questions.

CARLISLE/WORTMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "R K Carlisle", written in a cursive style.

Richard K. Carlisle, PCP



Your Idea Of A Home

May 30, 2003

REC'D

MAY 30 2003

PLANNING DEPT.

Mark Miller, Planning Director
City of Troy Planning Department
500 West Big Beaver Road
Troy, MI 48084

RE: Rochester Commons PUD

Dear Mr. Miller;

The following information will give an overview of what we are proposing at Rochester Commons PUD while specifically answering questions asked by City Management.

1. Environment

- **Is any blight to be eradicated?**

Rochester Commons PUD plan has incorporated both the homes that have fallen into disrepair along Big Beaver and the Big Beaver School building, which has not been in use for a number of years. The homes located at one of Troy's main gateways are used as rentals with most of the owners living outside of Troy.

- **What is being done to preserve significant natural features and open space areas?**

As part of the PUD approval process we are required to provide substantially more open space and landscape area than the 10% requirements. Our plan indicates that nearly 40% of the site is landscaped. In Mr. Carlisle's letter dated 5/21/2003, he writes, "The plan has 2 strong elements: the pocket park and the perpendicular green spaces between the units. These features provide open space, as well as serve to provide clear organization for the development. The pocket park is the development's main outdoor amenity giving residents the opportunity to walk to a green area close to their homes."

2. Traffic

- **Identify traffic volumes of the proposed development to what could be generated from maximum density under existing zoning classifications. Relate to peak and non-peak times.**

The proposed multi-family condominium development will generate:

- AM peak hour – 43 trips ends
- PM peak hour – 51 trips ends

If an office building were developed as the Master Plan would allow:

Office Building size = 60,000 sq. ft

- AM peak hour – 124 trip ends
- PM peak hour – 147 trip ends

Office Building size = 50,000 sq. ft.

- AM peak hour – 108 trip ends
- PM peak hour – 147 trip ends

The analysis, based on 12/9/2002, Goodell-Grivas Traffic Study, clearly indicates that the traffic due to the multi-family condominiums development is less than half of the alternative office land use.

Current zoning is for Single Family Detached R-1E:

20 Units

- AM peak hour – 23 trip ends
- PM pak hour – 25 trip ends

As Tapan K. Datta, Ph.D., P.E., from Goodell-Grivas, noted in his 3/18/2003, letter, "The single-family detached residential development will certainly generate the least number of trips. However, such a development may be economically infeasible since the land being so close to major roadway corridors is certainly quite expensive. Besides, single-family homeowners who are willing to spend high price for there lots often look for larger lot sizes, away from heavily traveled corridors and quieter neighborhoods. Economically, such a development will certainly mean the landowner would have to sacrifice significant value. Therefore, single-family detached housing is at this site is an infeasible scenario."

This view is also share by Dick Carlisle in a review letter dated 5/8/2003, "However, the consultant is correct in noting that the site is probably not appropriate for a single family detached residential development.

- **Analysis to also include comparison of traffic patterns and points of ingress/egress from proposed development to what could be developed under existing zoning.**

The traffic circulation and points of ingress/egress were based on the direction presented by the City Planning Department and confirmed as appropriate by Godell-Givas, the traffic consultants. They write, "The access to the property through Urban Crest Street is far superior to having an access from the Big Beaver Road for the following reasons;

- a. Eliminates an additional interruption to Big Beaver Road traffic.
- b. Existing traffic from the property intending to go east, will have to cross multiple lanes of traffic to turn around, which is a safety hazard or they may never be able to do so during the peak hour.

Considering all of the noted issues, it is evident that the proposed multi-family condominium development's access through Urban Crest Street will be the most appropriate land use."

Dick Carlisle review letter dated 5/21/03 once again confirms their opinion: "The site will have one (1) direct access from Rochester Road via Urbancrest Street. The lack of an entrance from Big Beaver Road is based on the direction provided by City staff and our office. The revised entrance improves the overall site layout and allows for uninterrupted greenbelt along Big Beaver. The resulting traffic impact on Urbancrest and Rochester Road was investigated by the applicant's traffic consultant, who found that LOS service at the intersection of the two (2) street would remain at the same level following development of the site."

3. **Durability of Design and Use**

- **What architectural features, material, and building elements are being proposed that exceed industry standards? Also delineate obstacles developed had or will overcome in achieving this particular site development, and include any assemblage of adjacent parcels in your community.**

The units are traditional in their design with a "Bay Harbor" feel to the architecture. The materials will be a combination of stone and cement board (Hardi-Plank) siding. Window and trim details enhance the appearance of the units. The park pavilion and group mailbox will match the units' design and stone monuments from the school building will be incorporated into the pavilion.

Our original intent was to develop the school property only. At the direction of the City's staff the homes along Big Beaver Road were also purchased over a 2-year period, and incorporated into the plan.

- **Comment on how landscaping on the proposed site compares to basic requirements.**

Rochester Commons is providing 30% more landscaping than required if the site was developed as multi-family housing. We are enlarging the detention pond located on the fire station property into a retention pond that will feature a fountain with extensive landscaping surrounding this area. We have included in our plan screening to buffer the site from adjacent properties above and beyond ordinance requirements. Most of the units have been oriented towards the central park and a series of trails will connect this park to the future city park on the corner of Rochester Road and Big Beaver Road.

- **How does proposal compare with general direction of the master land use plan?**
In Dick Carlisle memorandum to City Council dated 5/21/2003 he writes, "Although not identical with the low rise office designation delineated by the Master Plan, the use is consistent with the transitional character that the low rise office designation encourages. Residential use will have less impact on neighboring uses than office use." There is also a letter dated 2/19/2003, to Mr. Miller, which gives greater detail and support of this issue. A copy is attached for your review.

4. Economics

- **Determine if proposed PUD will be a catalyst to improve and/or support surrounding area.**

The proposed development will provide an attractive and viable use and remove the current obsolete and detractive uses (abandoned school and homes in disrepair) currently on the site. This redevelopment along with the enhancement of the retention facility will be a significant benefit to the overall area. The pond is being sized to provide additional capacity for properties north of Urbancrest, which can be provided as an incentive for redevelopment.

- **If density incentive is being proposed, determine differential from maximum density under applicable zoning.**

The maximum number of units allowed under current zoning would be approximately 4 units to the acre and as master planned the site could have a 60,000 square foot office building. Under multiple housing zoning the site could be built under either RM-1 which allows for 9 units per acre or RM-2 which allows for 24 units per acre. The Rochester Commons PUD is requesting 16.4 units to the acre. Using the RM 1 and RM2 for comparison, Rochester Commons will provide more open space than required with less building coverage than allowed

5. Public Input

- **As the first stages of a PUD is a blending of developer and staff input which is later calibrated by the Planning Commission and City Council, meeting will be held with surrounding property owners prior to the public hearing at the Planning Commission level. Staff members will attend the information meeting along with the developer so that public input comments can be made as part of the analysis by staff to the Planning Commission, and City Council; also because staff will have had input in the PUD plan.**

Please see enclosed Rochester Commons Public Comments.

ATTACHMENT I



*Community Planners
Landscape Architects*

February 19, 2003

Mark Miller, Planning Director
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: PUD Option/Rochester Commons

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Carlisle/Wortman Associates Inc.

Mr. Mark Miller
February 19, 2003
Page 2

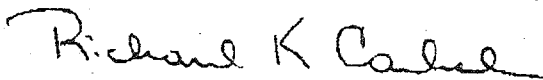
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Please let me know if you have additional questions.

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP, AICP

225-02-2201



Your Idea Of A Home

May 7, 2003

Mr. Mark Miller, Planning Director
City of Troy Planning Department
500 West Big Beaver Road
Troy, Michigan 48084

RE: Rochester Commons Public Comments

Dear Mr. Miller:

The surrounding homeowner questions that were more than of a general nature dealt with Urbancrest traffic, ingress/egress for existing homes with driveways onto school property, the condition of the trees located in the Sprucedale right-a-way, street light locations, a screening wall, future lot subdivision for the homes located on Hartland, snow removal inside of Rochester Commons and the Jackson's concern with the landscaping on the Big Beaver frontage adjacent to their home.

Urbancrest Traffic – Exhibit 1 & 2:

Two additional letters were provided from Goodwell-Grivas that addressed these concerns. First, the questions of what was the traffic generation if the property was built as office. Their conclusion was that Rochester Commons would generate less than half the traffic as the alternative office use.

The second concern was over stacking and exiting onto Rochester Road at peak traffic hours. Goodwell-Grivas believes this will not be a problem now or in the future.

Driveways for Existing Homes Existing onto the School Property: (see grading plan)

The two homes which are currently using the school property as part of their driveways have been incorporated into the plans. Easements will be granted and the right of ingress and egress will become part of the Master Deed.

Condition of the Trees Located in the Sprucedale Right-a-Away – Exhibit 3:

Bill Udell, a certified Arborist and Michigan certified Nurseryman, has commented that all trees in this area are living and salvageable. He has presented a punch list of item that Tadian Homes is willing to do to ensure the long-term health of these trees.

Street Light Location: (see landscape plan)

All street lighting has been removed from the back of the project. The lighting for this area will be provided by the lights located on the homes at the garage door. These lights along with the lights located at the front doors will be on a photo cell.

Brick Screening Wall: (see landscape plan)

It was a request that a six foot high brick wall be placed at the edge of the Sprucedale and the School property line prior to construction. Tadian Homes has submitted plans that show 88 eight foot high dark green Arborvitae planted in this location. Grissim and Metz the landscape architect for this site, believes this would better serve the location and the style of the homes.

Future Lot Subdivision for the Homes Located on Hartland – Exhibit 4 & 5:

There is a concern by certain homeowners along Hartland that Rochester Commons would negate their ability to subdivide their lots. According to Troy's Schedule of Regulation, their lots are not deep enough to split into two lots. With a minimum 60' front they would need lots that are at least 125' deep. Their lots range from a combined depth of 207 feet to 213 feet. There is not enough lot depth to split these lots into two useable lots.

Snow Removal Inside Rochester Commons – Exhibit 6:

A letter from United Soils which address this issue is enclosed. They have found no difficulties in planning for the removal of snow from the roads for this site.

Jackson's Concerns with the Landscaping Along Big Beaver on the City Owned Parcels – Exhibit 7:

The existing tress that the Jackson's have planted on Troy's property, will be moved by Tadian Homes behind the berm. The berm will be landscaped as detailed on the landscaping plan. If the city can persuade the Jackson's to allow landscaping on the lot that is between Rochester Commons and the city owned parcels, Tadian Homes will install the landscaping and the Rochester Commons Association will maintain all frontage along Big Beaver.

For your review I have enclosed a letter from several of the Hartland Homeowners. Should you have any questions or comments with regard to Rochester Commons please feel free to contact me.

Sincerely,



Nicholas Donofrio
VP of Land Development

Exhibit 1



Goodell-Grivas, Inc.
Livonia Corporate Tower
29200 Vassar Avenue
Suite 310
Livonia, Michigan 48150
Telephone 248-473-7000
Fax 248-473-7027

Structural Engineers
Transportation Engineers
Structural Steel Detailers

March 18, 2003

Mr. Jack Ludington,
Director of Land Development
Tadian Homes
2038 Big Beaver Road
Suite #200
Troy, MI 48084

RE.: Proposed "Backbay Village" Development, Troy, Michigan

Dear Mr. Ludington,

As per your request, I have reviewed various scenarios of alternative land uses for the property in question.

The 'Planned Unit Development' allows a variety of land uses including office development. Both the residential and office development coincide with the AM and PM peak hours of the adjacent roadways. Therefore, a property with either development should be investigated carefully in terms of its traffic related impacts to the adjacent roadways.

As a part of an alternate use, I have made a few reasonable assumptions which are as follows:

Total area of the property = 4.86 acres

Permissible building area for office use
= 15,000 square feet (SF) Gross Floor Area (GFA)/acre

Total permissible Building Area = $4.86 \times 15,000 = 72,900$ SF

Practical Building Area = 60,000 SF GFA

The proposed multi-family condominium development as included in our Traffic Impact Study report dated December 9, 2002 has the following characteristics:

- Number of multi family units = 80
- Trip generation characteristics
 - o AM Peak Hour = 43 trip ends
 - o PM Peak Hour = 51 trip ends

If we assume an office building development of 60,000 SF GFA, or even 50,000 SF GFA the trip generation characteristics will be as follows:

- Office Building Size = 60,000 SF GFA
- Trip generation characteristics
 - o AM Peak Hour = 124 trip ends
 - o PM Peak Hour = 147 trip ends
- Office Building Size = 50,000 SF GFA
- Trip generation characteristics
 - o AM Peak Hour = 108 trip ends
 - o PM Peak Hour = 135 trip ends

(The detail of the analysis is included in Attachment I.)

This analysis clearly indicates that the traffic due to the multi-family condominiums development is less than half of the alternative office land use, based on either of the assumed building sizes. The impact to the adjacent roadways and neighborhood will be far more if the property is used for an office development. Therefore, it is clear from the data presented here, and the Traffic Impact Study dated December 9, 2002, the proposed multi-family development will be most appropriate for the property.

We have also reviewed the scenario of a single-family detached development. Assuming a twenty unit single-family residential development, the trip generation characteristics will be as follows:

Single Family Detached Residential Development
20 units

AM Peak Hour Traffic

$$T = 0.70 (X) + 9.477$$

T = 23 trip ends per hour
6 entering trips
17 exiting trips

PM Peak Hour Traffic

$$\ln (T) = 0.901 \ln (X) + 0.527$$

$$\ln (T) = 3.23$$

T = 25 trip ends per hour with 64% entering and 36% exiting
16 entering trips
9 exiting trips

The single-family detached residential development will certainly generate the least number of trips. However, such a development may be economically infeasible since the land being so close to major roadway corridors, is certainly quite expensive. Besides, single-family homeowners who are willing to spend high price for their lots often look for larger lot sizes, away from heavily traveled corridors and quieter neighborhoods. Economically, such a development will certainly mean the landowner have to sacrifice significant value. Therefore, single-family detached housing is at this site is an infeasible scenario.

The access to the property through Urban Crest Street is far superior to having an access from the Big Beaver Road for the following reasons:


1. Eliminates an additional interruption to Big Beaver Road traffic.
2. Exiting traffic from the property intending go east, will have to cross multiple lanes of traffic to turn around, which is a safety hazard or they may never be able to do so during the peak hour.

Considering all of the noted issues, it is evident that the proposed multi-family condominium development's access through Urban Crest Street will be the most appropriate land use.

If you have any other questions please call me at (248) 473-7000.

Sincerely yours,

GOODELL-GRIVAS, INC.



Tapan K. Datta, Ph.D., P.E.
President

TKD/ks

Attachment

Exhibit 2



Goodell-Grivas, Inc.
Livonia Corporate Tower
29200 Vassar Avenue
Suite 310
Livonia, Michigan 48150
Telephone 248-473-7000
Fax 248-473-7027

Structural Engineers
Transportation Engineers
Structural Steel Detailers

April 8, 2003

Mr. Jack Ludington,
Director of Land Development
Tadian Homes
2038 Big Beaver Road
Suite #200
Troy, MI 48084

RE: Proposed "Backbay Village" Development, Troy, Michigan

Dear Mr. Ludington,

I have investigated the question you had asked me to review relative to the proposed residential development last Friday. The following represents a summary of my investigation:

1. Urban Crest Street currently serves as access to only a few homes. It also provides access to the fire station and a secondary access to Mr. Pita, a sandwich shop.
2. The issue of stacking for the outgoing traffic on Urban Crest Street will be relevant for morning peak period only. Since the current homeowners and future residential development's owners will use westbound Urban Crest Street to go to Rochester Road for their work and school trips.
3. In order to put everyone's concern regarding high traffic volume and stacking problem on Urban Crest Street to rest, we have taken a video study of westbound Urban Crest Street. This study shows the following traffic volumes:

Westbound Traffic

7:00 to 7:30 AM - 4 vehicles
7:30 to 8:00 AM - 5 vehicles
8:00 to 8:30 AM - 2 vehicles
8:30 to 9:00 AM - 1 vehicle

This clearly shows that there could not be any stacking problem whatsoever.

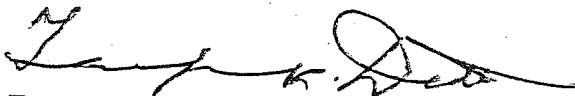
4. During the AM peak hour, Mr. Pita's driveway and the fire station driveway do not add to the residential traffic.
5. Even for the future scenario, you may expect 30 to 40 vehicles coming out of Urban Crest Street during the highest peak hour. This translates to approximately on an average one vehicle every 1 ½ to 2 minutes. This is very low volume and no one should be alarmed by that.
6. Urban Crest Street is located within 350 to 400 feet of the intersection of Rochester Road and Big Beaver Road. According to the signal timing plan of this intersection, there are large time gaps in the northbound Rochester Road traffic every two minutes due to the traffic signal at the Rochester Road and Big Beaver Road intersection. These gaps can easily accommodate 50 vehicles per hour.

We have reviewed the concerns carefully and strongly believe that the ability to turn out of Urban Crest Street is not a problem now and it will not be a problem in the future. The video study data is available for anyone's inspection.

If you have any other questions please feel free call me at (248) 473-7000.

Sincerely yours,

GOODELL-GRIVAS, INC.



Tapan K. Datta, Ph.D., P.E.
President

TKD/el

Post-It® Fax Note	7671	Date	2/28	# of pages	1/1
To	NICK	From	Bill		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	248 643 9693	Fax #			



February 28, 2003

Exhibit 3

RECEIVED FEB 28 2003

Mr. Nick Donofrio
TADIAN HOMES
2038 W. Big Beaver Rd. Ste. 200
Troy, MI 48084
P: 248-643-9690, F: 9693

RE: ROCHESTER COMMONS - SPRUCE DALE RIGHT OF WAY

Dear Nick,

WH Canon, Inc. was on site 2/21/03 to inspect the north boundary separating Hartland St. from the school property. This area is mixed with viable trees including: Tree of heaven, Box Elder, Black Walnut, Mulberry, Buckthorn, Black Cherry. These trees are living and salvageable. All trees are expected to survive if the following items are completed.

- Remove all garbage and debris piled under and around trees in common's area to help reduce soil compaction. The trash has been piled for several years possible by the homeowners.
- Selective removal of downed/leaning trees. One (1) tree has split, and (1) is prone to split due to structure. Remove (4) dead trees in right of way.
- Major deadwood prune remaining naturals as needed. Two (2) natural trees outside of property line were damaged at trunk by an individual who cut out 5"x 1/4" diameter around trunk to girdle. The two trees are not in common area you showed on site. There are several other large dead natural trees in neighbors' properties. If needed, a separate proposal could be sent for removals.
- Remove small 1/2" diameter suckers growing under tree of heaven at north west side of property line. Remove (2) dead tree stubs.

Cost to complete renovation/clean-up of right of way as described above including debris removal will be furnished upon request.

Sincerely,
WH CANON, INC.

A handwritten signature in cursive script that reads "Bill Udell".

Bill Udell
Superintendent/Certified Arborist & Michigan Certified Nurseryman
BU/ac

Chapter 39 - Zoning Ordinance

30.00.00 ARTICLE XXX SCHEDULE OF REGULATIONS

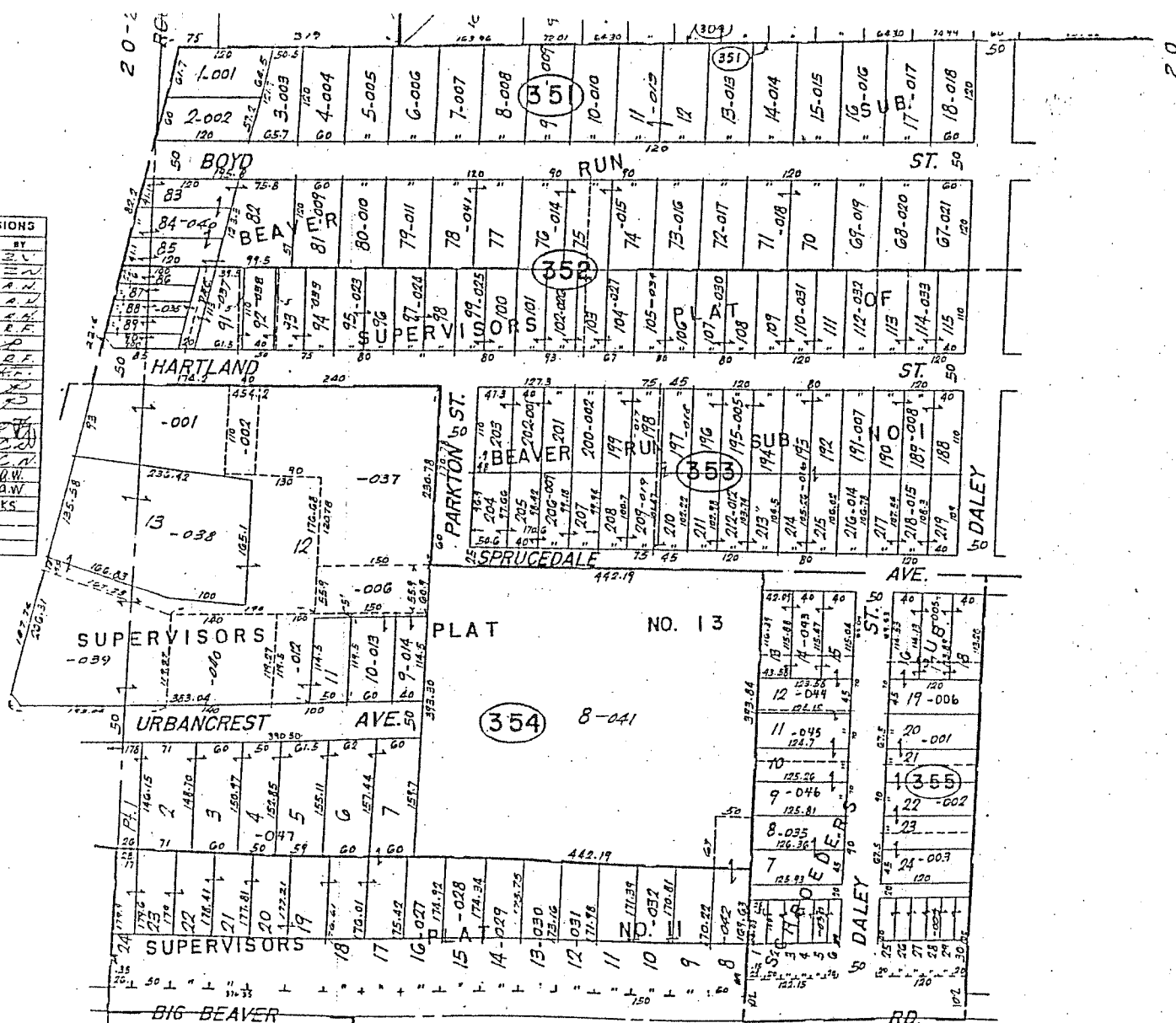
30.10.00

SCHEDULE OF REGULATIONS - RESIDENTIAL

	Minimum Lot Size Per Dwelling Unit			Maximum Height of Structures (T)		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by All Buildings
	Use District	Area in Sq. Ft.	Width In Feet	In Stories	In Feet	Front	Sides		Rear		
							Least One	Total Two			
30.10.01	R-1A One Family Residential										
	Without Sewer	30,000(A)	150	2 ½	25(U)	40	15(N)	30	45	1,400	30%
	With Sewer	21,780(A)	120	2 ½	25(U)	40	15(N)	30	45	1,400	
30.10.02	R-1B One Family Residential										
	Without Sewer	21,780(A)	110	2 ½	25(U)	40	15(N)	30	45	1,400	30%
	With Sewer	15,000(A)	100	2 ½	25(U)	40	10(N)	25	45	1,400	
30.10.04	R-1C One Family Residential										
	Without Sewer	21,780(A)	110	2	25	30	15(N)	30	40	1,200	30%
	With Sewer	10,500(A)	85	2	25	30	10(N)	20	40	1,200	
30.10.05	R-1D One Family Residential										
	Without Sewer	21,780(A)	110	2	25	25	15(N)	30	40	1,000	30%
	With Sewer	8,500(A)	75	2	25	25	8(N)	20	40	1,000	
30.10.06	R-1E One Family Residential										
	Without Sewer	21,780	110	2	25	25	15(N)	30	35	1,000	30%
	With Sewer	7,500	60	2	25	25	5(N)	15	35	1,000	
30.10.07	CR-1 One Family Residential Cluster			See Section 11.00.00		See Section 11.00.00					
				2	25	25		35		1,000	30%
30.10.08	R-1T One Family Attached Residential										
		7,000	20	2 ½	25(U)	25(O)	20(O)	40(O)	35(O)	1,000	30%
30.10.09	R-2 Two Family Residential										
	Without Sewer	15,000	75	2	25	25	15(N)	30	35	1,000	30%
	With Sewer	5,000	40	2	25	25	10(N)	20	35	1,000	
30.10.10	R-M Multiple-Family Medium Density			See Section 14.00.00		See Section 14.00.00				(B)	
	(B)	(B)		2	25	30(O)	30(O)	60(O)	40(O)	1-BR-600	30%

Exhibit 4

REVISONS	
DATE	BY
1-22	W
5-23	W
7-75	A. N.
2-76	A. N.
6-76	E. F.
8-77	E. F.
3-80	P
8-80	R. F.
1-81	H. F.
5-81	W
9-81	R. D.
9-82	W
9-82	W
2-88	C. N.
1-91	R. W.
8-92	A. W.
10-93	K. S.



SCALE: 1" = 100'

20-23E

COPIES AVAILABLE FROM
DAKE AND COUNTY PLANNING DIVISION
EXECUTIVE OFFICE BUILDING
1700 N TELEGRAPH AVE
PONTIAC MICHIGAN 48053
PHONE (313) 857-0271

Donald J. Murphy County Executive

TROY TWP.

W. 1/2 S.W. 1/4 SEC. 23 T.2N. R.11E.

Exhibit 5



United Soils
INCORPORATED

16171 31 MILE RD. • RAY, MI 48096 • 586-752-7008 • FAX: 586-752-3040

March 25, 2003

Tadian Development Company,
2038 W. Big Beaver Rd. Suite 200
Troy, MI 48084

ATT: Jack Ludington

RE: Snow Removal at Rochester Commons

Dear Jack:

Snow pushes would proceed as follows:

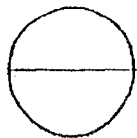
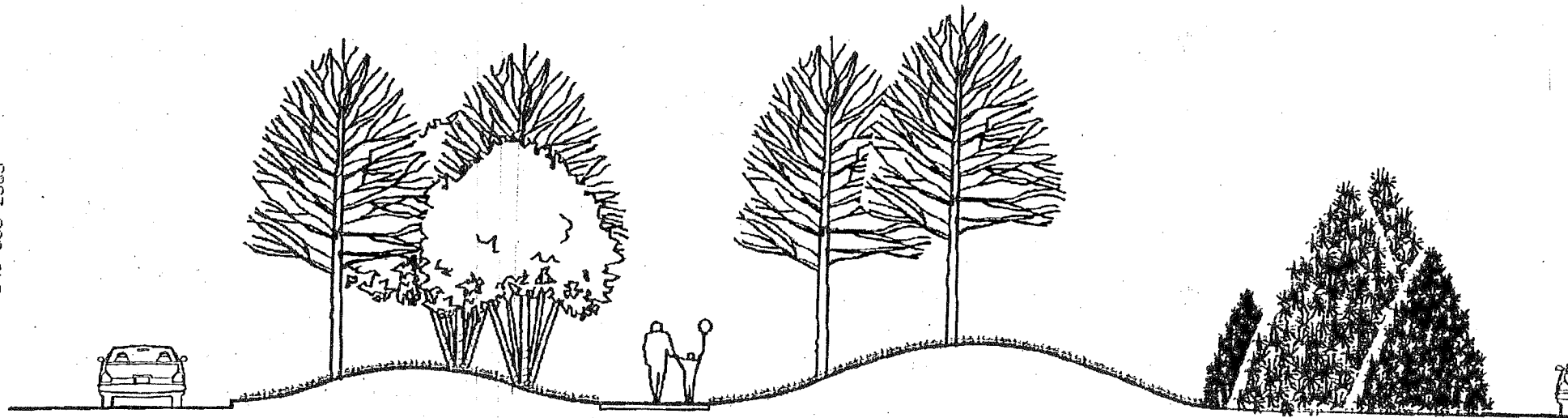
1. The perimeter roads and parking areas will be pushed to the outer edge of the roads or the greenbelt areas.
2. The interior parking and drive areas will be pushed to the open large area in the center of the project known as Central Park. This area could also be used for future stock piling of snow if required. This area will hold approximately 1,250 cy of snow which would accommodate the snow even in the harshest of winters.

Sincerely,

Gary Radulski
Site Development

GR/lja

Exhibit 7



Jackson Property Cross Section

Scale: 1" = 10'-0"

March 11, 2003

Troy City Council/Planning Department:

This letter is in response to the building of Rochester Commons Planned Unit Development. We, the homeowners on Hartland Street, have some privacy, noise and security issues that we would like to see resolved. They are as follows:

Since a road will be constructed adjacent to the property line, we propose that a minimum 6 foot high brick wall be put along the property line. Such wall would be constructed before any type of development begins. This includes the demolition process. This would provide both a sound barrier, security, and eye appeal between the property and adjoining street.

The project also shows the constructing of several street lights a minimum of 10 foot or higher. This would also light up our property leaving us with a minimum of privacy. The light fixtures should be no more than 6 foot in height and shields be provided on the Hartland side.

There is also the matter of 25' of city property between the existing home owners and the new development. The homeowners on Hartland would like the city of Troy to deed the land to the homeowners. It would still be a city easement, but the homeowners would maintain such property. This would also give homeowners an extra buffer between them and the proposed development.

We feel that these are just a few small adjustments to the proposed development. However, they will give peace of mind to all parties concerned. We hope that some kind of agreement concerning these matters can be met. Your cooperation and attention to these concerns is greatly appreciated.

Sincerely,

Greg & Lisa Forester
1112 & 1096 Hartland

Gary & Donna Jakubowski
1120 Hartland

Kent &Carolynn Thomas
1130 Hartland

5. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons, North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Rochester Commons PUD.

The Planning Consultant, Mr. Carlisle, gave a brief report on the most recent revisions to the project: resolution of the floodplain delineation; revised walkway as a result of the Big Beaver Road future improvements; substantial improvements to Urbancrest; and emergency accesses per the Fire Department requirements. In summary, Mr. Carlisle said the proposed development is a very good example of a PUD project and recommended approval by the Planning Commission.

Mr. Miller noted the plan has been revised to make no improvements to the adjacent Jackson property so the Jackson's garden area would remain the same, and further noted that the request to vacate the alley between the Jackson property and the City-owned property will be on the June 2, 2003 City Council Regular Meeting agenda. Mr. Miller foresees no problem with the City Council's approval of the alley vacation that would result in one-half of the alley going to the Jackson family and the other half would remain City property.

Mr. Kramer questioned if the designated open space would remain open space, if and once the project is approved.

Mr. Carlisle responded that a development agreement would be required and the only way the open space could be changed is if it came before the Planning Commission as an amendment to the PUD.

Ms. Lancaster confirmed that a change in the open space would come back before the Planning Commission as an amendment to the PUD. She explained that a new site plan would be required, as well as a resolution on the deed restriction and a recorded new planned unit development agreement.

Mr. Kramer questioned the integration of the surface treatment with the pond and landscaped areas.

Mr. Miller responded that no design work has been done at this time, but noted that the intent is to provide a uniform look beginning at Daley Street and continuing along the berm area through to the pond, fire station and park.

Mr. Carlisle agreed that the petitioner should be encouraged to carry the concept all the way to the park.

A brief discussion followed with respect to the alley vacation request and landscape plans for the southern half of the alley, if the vacation is approved.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio said that he is working with the City's Real Estate and Development Director and a landscape architect to arrive at a landscape plan that would provide uniformity throughout the proposed development. Mr. Donofrio briefly reported on the proposed building materials and circulated samples of the building materials to the Commission. Mr. Donofrio discussed the landscape plan along Urbancrest and the property adjacent to the Jackson family. Mr. Donofrio expressed his desire to work with the City and said he is open to suggestions.

PUBLIC HEARING OPENED

Ms. Barbara Jackson of 3035 Daley, Troy, was present. Ms. Jackson provided a letter that cites her major concerns to the proposed development. Ms. Jackson believes the development would have a negative impact on the neighborhood, and noted the neighbors on Hartland are not in favor of the development. Ms. Jackson expressed her appreciation to the Commission for their dedication and hard work on behalf of the City.

Eileen Youngerman of 369 Lange, Troy, was present. Ms. Youngerman said she manages property on Rochester Road, south of Big Beaver, and is familiar with the proposed development. Ms. Youngerman is in favor of the proposed development. She believes it would remove and improve a long-time blighted area as well as continue the Golden Corridor concept for the City. She views the proposed development as an asset to the City.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas, who lives next to the abandoned school, questioned the term "mixed use" and voiced her objections to the proposed development. Ms. Haas stated the petitioner has committed to providing an easement but that there would be certain restrictions. She stated that she cannot afford an attorney to seek legal advice and does not want to sign any documents.

Ms. Lancaster said it would be in the best interest of Ms. Haas to retain an attorney to review the legal documentation related to the easement agreement, but noted that the City would ensure that her interests would be protected as part of the master deed plan.

Mr. Donofrio clarified that the restriction to which Ms. Haas is referring is the parking of her recreational vehicle on the property. He informed Ms. Haas that neither she nor any of her neighbors would be permitted to park recreational vehicles on the property. Mr. Donofrio noted that Ms. Haas would not be responsible for any maintenance nor would she be assessed any association

dues, and further that this would be inherent for any future owners of the Haas property.

Jim Meinershagen of 4657 Heatherbrook, Troy, was present. Mr. Meinershagen is the head of the Scotland homeowners association. Mr. Meinershagen stated that he is in favor of the proposed development because it would be improving the City's principal intersection. He asked that the needs and wishes of neighbors, such as the Jackson family, with respect to landscaping and access be taken into consideration.

David Hornak was present to represent the homeowners at 1115 E. Big Beaver Road, Troy. Mr. Hornak spoke in favor of the proposed development and expressed appreciation to the petitioner for his efforts to work with the neighbors. Mr. Hornak believes the area will be well maintained by the private condominium owners.

Bob Jackson of 3035 Daley, Troy, was present. Mr. Jackson thanked the Commission for their hard work. Mr. Jackson stated that he has maintained the property to the rear for 47 years. He does not think a berm is necessary in this area and suggested to keep the existing trees. He voiced concerns with respect to watering the proposed berm. Mr. Jackson referenced the alley vacation and said there is no way a car will fit on a 10-foot driveway.

PUBLIC HEARING CLOSED

Mr. Waller requested that City staff, the City Attorney's Office and City Council give serious consideration to the wishes of the Jackson family.

Mr. Vleck questioned the proposed storm water retention and the maximum height of an office building if the site was developed under office zoning.

Mr. Miller confirmed that the petitioner is required to provide some method of storm water retention, and noted that the petitioner has proposed an oversized retention pond as a catalyst for future development. Mr. Miller further said that if the property was rezoned to low rise office, a three-story office building at a height of 36 feet would be allowed under the zoning.

Resolution

Moved by Waller

Seconded by Schultz

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Tadian Developments, for the Rochester Commons Planned Unit Development (fka Back Bay Village PUD), located on the north side of Big Beaver Road and east of Rochester Road, located in

section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby recommended for approval to City Council.

FURTHER RESOLVED, the proposed PUD meets the location requirements set forth in Section 35.30.00, A and B (2 and 3). The unique layout and location of the site is better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road, as demonstrated by the deteriorated condition of some of the existing single family residential homes. The multiple-family residential development would be similar to office use in being a transitional use and a compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

FURTHER RESOLVED, pursuant to Section 35.30.00.C, the applicant demonstrated that a sufficient number of objectives are met which would not be accomplished without the use of the PUD.

1. The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.
2. The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, a mix of uses is not a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." The definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.
3. That the eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the "applicant must show that a sufficient number of ... objectives ... are met."

FURTHER RESOLVED, the use will include screening to buffer the site from adjacent properties above and beyond Zoning Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

FURTHER RESOLVED, that the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met.

FURTHER RESOLVED, the PUD is consistent with the Future Land Use Plan. The Future Land Use Plan designation calls for low rise office which is used as a transition between more intense commercial uses and less intense single-family residential uses. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

FURTHER RESOLVED, it is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

FURTHER RESOLVED, that the recommendation is subject to the following conditions.

1. The Preliminary Plan consists of a project manual, dated 4/03, which was presented to the Planning Department on April 11, 2003; the manual contains narratives, reduced plans, and full size plans:

Prepared by Grissim, Metz, Andriese Associates

- 1 Conceptual Landscape Plan
- 2 Conceptual Building Enlargement Landscape Plans
- 3 Conceptual Lighting/Street Signage Plan
- 4 Site Details
- 5 Site Amenities
- 6 Photometric Plan

Prepared by Professional Engineering Associates

- PSP-3 Site Plan
- PSP-3 Grading Plan (Preliminary)
- C-2 Topographic Survey
- T-1 Tree Survey

FURTHER RESOLVED, that the Planning Department will keep the Planning Commission informed on a written basis on any change or items of merit that occur to this project.

FURTHER RESOLVED, the City of Troy in support of the theme of improvement of this area of Troy will enclose the dumpster located on the parking lot of the Fire Department.

Yeas

Kramer
Littman
Pennington
Schultz
Waller
Wright

Nays

Vleck

Absent

Chamberlain
Storrs

MOTION CARRIED

Chairman Littman congratulated the petitioner on following the PUD process plan.

Mr. Vleck stated he is not in favor of the motion because he feels the proposal falls short in relation to a PUD project. He cited the proposal has no mixed use; the building material quality is of relatively low standard; and the public benefits are minimal. Mr. Vleck stated that the only precedent being set is for a developer to originally submit a sub-standard plan, make a lot of revisions to show that he/she is going through the PUD process, and receive approval that the proposal qualifies as a PUD project.

Resolution

Moved by Kramer

Seconded by Waller

RESOLVED, that the Planning Commission recommend to City Council that City Management be directed to coordinate the development of the corner park with the design intent and development as presented by the petitioner this evening.

Yeas

All present (7)

Absent

Chamberlain
Storrs

MOTION CARRIED

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Savidant reported that Mr. Jackson of 3035 Daley brought to the Planning Department's attention that the City proposes to widen westbound Big Beaver, south of the proposed development. The Engineering Department has confirmed that the road widening is projected for the year 2005. As a result, the landscape berm originally designed by the petitioner had to be modified to accommodate the road widening. Mr. Savidant reported that the petitioner has provided to the Commission a revised landscape plan and a user-friendlier grading plan.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed "before and after" landscape renderings, and noted that the proposed widening greatly impacts the landscaping and resulted in a less elaborate landscape plan. Mr. Donofrio also detailed the final grading plan.

Mr. Chamberlain remarked that it is unfair to both the Planning Commission and the petitioner to receive findings such as this at the 11th hour.

Mr. Donofrio circulated various building materials and noted that additional materials would be available for examination at the May 13, 2003 Public Hearing. Mr. Donofrio confirmed that a report relating to homeowner comments would also be available at the May 13, 2003 Public Hearing.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller reported the most current PUD material has been provided to the Commission and noted that neither the Planning Department nor the Planning Consultant have completed their reviews. Mr. Miller reminded the Commission that the item is scheduled for the May 13, 2003 Regular Meeting.

Mr. Carlisle reported results of the traffic impact study revealed the proposed PUD project would generate one-third less traffic than a potential office site development. Further, the traffic impact study documented that there would be no car stacking concerns on Urbancrest during morning hours. Mr. Carlisle reported that FEMA is in the process of revising its floodplain maps as a result of a drain project, and noted the existing floodplain boundary on the proposed site would be eliminated. He stated the petitioner has provided details on detention fencing and clarification on parking dimensions. In summary, Mr. Carlisle said he is satisfied the petitioner has addressed the majority of issues and the plan looks good.

Mr. Miller stated the PUD ordinance requires the petitioner to have control of the PUD property. Further he reported that the offer to purchase the City's property is before City Council for approval at their April 28, 2003 meeting.

A brief discussion followed with respect to the proposed grades and engineering drawings. The petitioner said he would provide the Commission with a more user-friendly engineering drawing. In addition, the petitioner said that sample building materials would be provided at the May 13, 2003 Regular Meeting.

Mr. Storrs requested the Planning Department provide the Commission with a list of public comments and how the petitioner has addressed them.

There was discussion with respect to the keyhole piece of property owned by the Jackson family. The petitioner stated that he has prepared final landscape plans with two options: one to allow for the possible vacation of the alley and one without the vacation of the alley. Mr. Miller stated that he would confirm if the vacation is a necessary step in the process.

There was a brief discussion on bituminous sidewalks versus concrete sidewalks. The petitioner stated he would provide the type of sidewalk the City desires.

Chairman Littman requested the proposed PUD-2 be placed on the May 6, 2003 Special/Study Meeting agenda.

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons PUD (formerly Backbay Village), North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller noted that a letter from the Jackson's and an updated traffic study was received and distributed to the Commissioners prior to tonight's meeting. He reported that the petitioner has not submitted any revised plans since the Public Hearing on March 11.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present.

Chairman Littman questioned the type of materials that would be used for the condominium development.

Mr. Donofrio briefly reviewed the external materials proposed for the development. He stated that cultured stone is proposed for the base and hardy plank is proposed for the shakes, siding, corner boards and trim boards. He noted that standard 30-year shingles will be used and wood pine is proposed for the rails. Mr. Donofrio said that garage doors would be a panel style and balcony decks are proposed to be cedar. Mr. Donofrio noted that the Enclaves development at John R and Wattles was constructed with identical materials that are proposed for Rochester Commons, and suggested interested parties to visit the site. Additional developments constructed with similar materials are Forester Square in Auburn Hills (on Adams Road) and Cherry Hill in Canton. Mr. Donofrio said he would be glad to provide material samples to the Planning Department and at the Public Hearing. Mr. Donofrio said additional stone and more architectural detail has been added along the windows and garages, and noted the buildings would be the same color.

Mr. Kramer questioned the required maintenance of the condominiums with the use of hardy plank.

Mr. Donofrio responded that in an upscale neighborhood hardy plank is a more desirable material than vinyl and aluminum; and confirmed the material would require some maintenance. He noted the maintenance would be covered in association fees.

Ms. Pennington questioned if the proposed development is similar to the development in Lake Orion on Atwater Street.

Mr. Donofrio confirmed that the proposed development would be identical to the Lake Orion development, which is located at the corner of M-24 and Atwater Street and includes an extension of the Paint Creek Trail.

Mr. Chamberlain addressed his concerns with respect to the petitioner's coordination with the Planning Department to have all the required documentation submitted within a reasonable timeframe for Planning Commission approval.

A brief discussion followed.

Mr. Donofrio said that his deadline to submit the final required documentation to the Planning Department is April 15, and noted that all public concerns will be addressed and resolved at such time.

Chairman Littman announced that the proposed PUD will be a discussion item again on the April 22, 2003 Special/Study Meeting, and the Public Hearing is tentatively scheduled for the May 13, 2003 Regular Meeting.

6. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North of Big Beaver, East of Rochester Road, Section 23 – R-1E

Chairman Littman gave an explanation of a Public Hearing procedure. He requested that the public limit their comments to the scope of the proposed project. Chairman Littman stated that the Commission would consider all public comments presented at tonight's meeting and at a future study meeting and noted that a second Public Hearing will be scheduled for residents. Chairman Littman noted that the Commission is advisory only and that City Council has the final decision on the proposed Rochester Commons PUD.

Mr. Miller announced that the City's Planning Consultant, Richard Carlisle of Carlisle/Wortman Associates, would be making tonight's presentation. Mr. Miller noted that Mr. Carlisle has been working with the petitioner and the Planning Department in reviewing the proposed project and the Planning Consultant's report has been provided to the Commission. Mr. Miller stated that the proposed Rochester Commons PUD is the City's second PUD project and, per a new City policy, a public informational meeting has been held where the developer and City staff were available to answer questions and concerns of the public and to receive public comment.

Mr. Carlisle introduced himself and explained his working relationship with the City. Mr. Carlisle provided a brief overview of what a Planned Unit Development is. He stated that the PUD ordinance does not contemplate a specific style or type of development, but outlines a planning-driven process where the Commission makes an approval based on a specific development plan. Mr. Carlisle explained that a PUD project must meet certain development objectives and ordinance provisions. He cited that the project must be a demonstrated benefit to the community and a demonstrated enhancement that could not otherwise be achieved without application of a PUD.

Mr. Carlisle stated that the proposed PUD is on a site that has remained dormant for a number of years, noting the abandonment of the old public school. He noted that the site is bordered on the north and east sides by single family residential, a mix of commercial and public space is to the west (the City Fire Department), and Big Beaver Road is to the south. The applicant proposes to construct 7 multi story buildings in a multiple family condominium style of development. Mr. Carlisle noted that 80 condominium units are proposed, ranging in size from 1,100 to 1,300 square feet. Mr. Carlisle reported that the total site is 3.9 acres, and that approximately 9 parcels were assembled to accommodate the project. Mr. Carlisle noted that an aerial photograph of the surrounding area has been provided to the Commission.

Mr. Carlisle briefly reported on the natural resources of the development. He stated that the site is bordered on the northern and eastern perimeters by

existing tree cover, and noted that the trees are in reasonably good condition but not of high quality. Mr. Carlisle said that there are no existing wetlands on site and the floodplain delineation is under reconsideration as a result of the recent drain improvements.

Mr. Carlisle stated that a traffic study has been submitted and reviewed by the City's Traffic Engineer and the determination is that there will be no deterioration of the level of service as a result of impact on this project. Mr. Carlisle projected that the total number of trips generated by a project of this nature would be less than what would be generated during a peak period by an office building, should it be located on the site. He noted that generally condominium projects generate fewer trips per day than a standard single family home.

Mr. Carlisle reported that the applicant is proposing Urbancrest to be the main entry as opposed to creating additional curb cuts onto Big Beaver. The applicant further proposed to make improvements to the Urbancrest entry. Mr. Carlisle noted that the site does have access to sewer and water. The applicant is agreeing to utilize and enhance the existing storm water detention basin on the Fire Department area by enlarging, reshaping and landscaping it.

Mr. Carlisle believes the proposed project has a unique location that will be better served by the use of the flexibility of the PUD ordinance. He said the proposed development is an excellent source of an infill project and use of the PUD ordinance. He feels that the project is better designed and will have less of an impact on the area than if the property were developed in the manner that it is specifically master planned.

Mr. Carlisle stated that all of the elements incorporate quality; i.e., materials, design layout, use of park space, landscaping, and architecture. Mr. Carlisle noted that the applicant has put forth great efforts to consolidate the frontage and cooperate with the City. He noted that the entire frontage would be enhanced with landscaped walkways and pathways that will improve the image of the City property and the entire frontage along Big Beaver. Mr. Carlisle reported that the project includes extensive buffering and screening from adjacent properties above and beyond the current ordinance requirements. He believes the project provides an appropriate use of the site now, and that conversion to another use would be extremely difficult.

Mr. Carlisle spoke with respect to the consistency of the proposed project with the intent of the Master Plan. He noted that Section 35.10.00.H. of the Zoning Ordinance reads: "that the intent of the PUD option is to ensure development that is consistent with the direction of the Master Land Use Plan." Mr. Carlisle noted the ordinance is very specific that the Planning Commission can make a determination of consistency with the Master Plan. Mr. Carlisle's opinion is a determination could be made that this particular project is consistent with the guidance that is given in the Master Plan. Mr. Carlisle noted that in most

communities, an office designation is typically used as a transition between more intense commercial uses and less intense single family residential, or between major thoroughfares and single family residential areas.

Mr. Carlisle reported that it is evident that the former school site is transitional in nature and that the Master Plan designation of office was intended as a transitional category between the more intensive potential use of the corner of Rochester and Big Beaver and the less intensive use surrounding it, which is single family in nature. Mr. Carlisle believes that the proposed development provides a superior transitional use because it is residential in nature. He believes in the long run, the proposed development would be less intense and less obtrusive on the surrounding neighborhood than the potential of office use. In summary, Mr. Carlisle said the intent is for a PUD to remain consistent with the City's Master Plan, and the ordinance provides the Planning Commission with the flexibility to interpret consistency with the Master Plan. It is Mr. Carlisle's opinion that an amendment to the Master Plan is not necessary.

Mr. Carlisle reported that parking is proposed in the garages and in spaces behind the garages, as well as on-street parking. A request has been made to the applicant for clarification on dimensional requirements. Mr. Carlisle applauded the proposed pedestrian circulation throughout the development. He noted that the landscape plan meets or exceeds ordinance requirements.

Mr. Carlisle said that overall the proposed PUD is an attractive and viable use of the property that fits the intent of the PUD ordinance and is a good example of an infill project on a very difficult site.

In summary, Mr. Carlisle recommends approval of the preliminary site plan and PUD designation subject to clarification of the following items: flood plain delineation; approval from the City for use of the detention facility; retention pond fencing; explanation of all requested deviations; barrier-free parking; width of on-street spaces; directional signage; emergency access; and height of light fixtures.

Mr. Storrs asked how the density would compare if the proposed property were zoned to allow condominium development, and in what zoning category would it fall.

Mr. Carlisle responded that if the project were zoned in a multiple family category, its density would be in the middle range of the City's two multiple family categories, and noted that the density of the proposed development is on the lower side. Mr. Carlisle noted that in order to accomplish this project as a multiple family development, a zoning category would have to be achieved.

Mr. Miller stated that the current multiple family zoning district would not allow this type of development. He said that the multiple family district encourages somewhat of an outdated mode of garden-type apartments and that more

modern techniques of construction for multiple family development are not permitted within the City's existing zoning. Mr. Miller asked for comments from the Planning Consultant.

Mr. Carlisle responded that the City's current ordinance requirements are based on formulas and approaches that in reality are probably indicative of the way ordinances were written 25 to 30 years ago.

Mr. Kramer asked for a point of clarification on the density, noting that Mr. Carlisle's report quotes 3.88 acres with 80 units, which would arrive at a density of 21 units per acre.

Mr. Carlisle apologized and said that is an error on his part. The 3.88 acres in the report references only the school site. Mr. Carlisle said that the total project area is 4.86 acres, which would attain a density of 21 units per acre.

Mr. Kramer asked what the width of the proposed sidewalk is along Big Beaver.

Mr. Miller stated that 10 feet is the minimum width for a multi-use safety path on a major thoroughfare.

Mr. Carlisle confirmed that the drawing shows the sidewalk as 10 feet in width. Mr. Carlisle said that his recommendation for a safety path is anywhere between 8 to 10 feet, and noted that sidewalk standards keep going upward. He said that a multi purpose pathway is designated for use by pedestrians, bicycles, inline skaters, etc.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed two renditions of the proposed development. Mr. Donofrio said that because of the nature of the infill project, the proposed development would impact a few long-time residents. He addressed one issue relating to the use of the driveways and the dirt road on the former school property. Mr. Donofrio said that a permanent easement would be granted to those property owners to incorporate their driveways into the neighborhood and the use of the road, and noted that the property owners would not incur any of the maintenance costs.

The second issue Mr. Donofrio addressed was the impact the proposed development would have on the existing landscaping. Mr. Donofrio said that it is proposed to remove the large line of spruce trees along the north property line because of their age and deterioration and stated that they would be replaced with plantings, shade trees and a 6-foot high hedgerow. Mr. Donofrio addressed the trees behind the spruce trees for which an arborist conducted a walk-through along the perimeter and reported that some trees are alive and viable but in need of special care. Mr. Donofrio said that the underside area would be cleaned up and those designated trees given special care. Mr. Donofrio noted that the trees

along the eastern boundary will remain and any other existing trees will be kept if possible. Mr. Donofrio specifically addressed the Jackson home and said it is proposed to enhance the existing landscaping with a 6-foot high evergreen hedge along the perimeter and shade trees. He noted that he would continue to work directly with the Jackson family on other items of concern.

Mr. Kramer asked for further information on the pond with respect to fencing and maintenance.

Mr. Donofrio explained that the pond is planned to be more of a regional pond to service future infill development and because of the size of the pond, it has been recommended by City administration to fence it. He stated that it is proposed to fence the pond with a heavy rod iron design.

Mr. Miller stated that the maintenance of the fence would be the responsibility of the City because it is on City property. Mr. Miller said that the petitioner has met with City staff to insure that the pond is sufficient in size to be capable of retaining storm water when other infill projects are developed, especially to the north. He noted that the petitioner is providing future benefit to the redevelopment of the whole area and suggested the Commission address any issues it may have with respect to fencing the retention pond at this time.

Mr. Vleck requested that the outdoor lighting be limited in brightness and meet City standards, especially with respect to the units on the north and east boundaries.

Mr. Donofrio confirmed that they would work with the City and hope to tie the outdoor lighting into the landscaping and architectural aspects of the project.

Mr. Waller commented on the boundaries of the retention pond that are dictated by the easements of the drains and asked the Commission to keep in mind the considerations of the Drain Commission.

Chairman Littman reminded the public that tonight's meeting would be televised tomorrow, March 12, at 5:00 p.m.

Mr. Storrs commented that it would be more desirable to locate the proposed park nearer to the fire station and locate the water amenity nearer to the intersection of Big Beaver and Rochester. Mr. Storrs' other concern is that it may be a temptation for some residents to cut through the development via the fire station to Urbancrest.

Mr. Chamberlain commented that a special committee is working on a gateway entrance to the City and suggested not to be concerned about the PUD's proposed water amenity.

Mr. Wright mentioned that it appears the park's location is on top of the huge drain and the water amenity cannot be moved because of the concrete below the surface.

Mr. Miller stated that the initial direction of staff and Mr. Carlisle was to put the water amenity near the intersection, but as the realization that the drain became an issue, it was apparent that the water amenity would be placed in the same area as the existing retention.

PUBLIC HEARING OPENED

Barbara Jackson, 3035 Daley, Troy was present. Ms. Jackson expressed her appreciation with the petitioner's approach to their concerns. Ms. Jackson expressed concerns with respect to the proposed development not meeting the City's PUD criteria, the density of the project, the lack of parking within the development, and the City's maintenance of the trees. Ms. Jackson said the project is not a traditional project and not a well thought out plan and asked that the proposed development be given more study.

Chairman Littman announced that the proposed PUD would be discussed at the March 25th Special/Study Meeting and welcomed the public to attend.

Gary Jakubowski of 1120 Hartland, Troy, was present. Mr. Jakubowski expressed concerns with respect to the proposed buffering on the north side of the development and requested a 6-foot high decorative brick wall that would provide a sound barrier, security and eye appeal for the neighbors. He and other neighbors do not want to give up their neighborhood's peace and secluded area for the inevitable construction noise and construction crews that will be there for a one to two year project. Mr. Jakubowski asked if the 25 feet of City property between the proposed PUD and the existing property on Hartland could be deeded to the residents on Hartland so they could maintain the property, and noted that it would provide more of a buffer area to the residents. Mr. Jakubowski expressed concerns with the height of the proposed buildings within the PUD and bright street lighting. For the record, Mr. Jakubowski submitted a letter from the residents addressing their concerns on the proposed PUD development. Mr. Jakubowski questioned if the proposed PUD would landlock his two parcels from further development.

Ann Marie Perkowski of 1168 Hartland, Troy, was present. Ms. Perkowski expressed concern with the spruce trees parallel to Hartland and asked if they could be salvaged, and further asked the height of the trees that are proposed for the development. Ms. Perkowski said that neither her 6-foot privacy fence nor the pine trees would block her view of the project. Ms. Perkowski also questioned the Master Plan with respect to Sprucedale and the potential landlock of other parcels for future development.

Mr. Miller responded that Sprucedale is a small residential local road and is not addressed in the Master Plan. He stated that Sprucedale is both 25 feet and 50 feet wide in that general area, and noted that the piece of property was not platted very well. Mr. Miller explained that if a property owner wanted to develop the property as residential homes, the owner would be required to provide a 60-foot wide road and noted it would be difficult in the area where Sprucedale is only 25 feet.

Mr. Chamberlain, for further clarification, stated that a platted road is not on City plans but only on plats, and that a lot of platted streets that have not been opened.

Mr. Wright questioned if the lots in question would be buildable if the owners donated 35 feet.

Mr. Miller responded that would be a safe assumption, but said he would confirm and report his findings at a future meeting.

Jeff Perez of 1057 Urbancrest, Troy, was present. Mr. Perez expressed his concern with the traffic impact on Urbancrest. He said that it appears the traffic study addresses only Big Beaver and Rochester Roads and does not address the traffic impact on Urbancrest, which he believes would have a huge increase in traffic volume should the development be approved. He asked that the Commission give this serious consideration.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas requested clarification on the traffic pattern through the proposed development with respect to her house and garage. Ms. Haas expressed concerns with traffic, flooding, water pressure, sewer gas, parking and snow removal. Ms. Haas expressed displeasure in losing the morning winter sun through her windows because the proposed development would block the sun. Ms. Haas stated that the Master Plan is not being looked at very far in advance. Ms. Haas raised another concern of hearing the traffic as a detrimental aspect to the proposed development.

Mr. David Hornak was present to represent his parents who live at 1115 E. Big Beaver Road, Troy. Mr. Hornak stated his parents and he are in favor of the proposed development as opposed to a potential office development. It is their belief that an office development would result in more traffic and congestion and not as nice of a looking development as the proposed condos.

There being no one else present to speak, Chairman Littman announced that the Public Hearing would remain open until the next meeting, and reminded the public that the proposed PUD will be on the March 25th Special/Study Meeting agenda.

Mr. Chamberlain stated that the petitioner should be using churches next to residential as a starting point for its proposed lighting for the development.

Mr. Donofrio suggested that the earliest date he could address all concerns and issues would be the May regular meeting.

Resolution

Moved by Chamberlain

Seconded by Waller

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by the Tadian Developments, for the Rochester Commons Planned Unit Development (FKA Backbay Village PUD), located north of Big Beaver and east of Rochester Road, section 23, within the R-1E zoning district being 4.86 acres in size, be postponed to the May 13, 2003 Planning Commission meeting, to allow the developer to respond to the Planning Department's, Planning Consultant's, and Planning Commission's comments.

Mr. Kramer requested that the petitioner address the snow removal issue, and further requested the City to address what process might be in place to assure both the City and residents that the development is built per the proposed plan.

Yeas:

Chamberlain
Kramer
Littman
Vleck
Waller
Wright

Nays:

Storrs

Absent:

Pennington
Schultz

MOTION CARRIED

Mr. Storrs said he voted no because he would have preferred that the resolution include the public comments voiced during the Public Hearing.

5. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D. (formerly Backbay Village), North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller stated that this project has taken on a new name of Rochester Commons. He stated that the developer has worked with Mr. Carlisle, the Planning Department and City management to fine-tune the project since the Commission last looked at it. Mr. Miller said the major change is eliminating the main entrance off of Big Beaver and moving it to Urbancrest. Mr. Miller reported the Fire Department has expressed concerns with traffic to the fire station and emergency access driveways, and assured the Commission that the Planning Department is working with the Fire Department to resolve these issues.

The developer, Nick Donofrio of Tadian Development, 2038 W. Big Beaver, Suite 200, Troy, was present.

Mr. Carlisle commented that the central focus of the development is the open space. He complimented the developer on the landscaping and the excellent overall plan in creating a great visual amenity to the City.

Discussion followed. The Commission expressed favorable comments to the developer with respect to the community park and the landscaped screening.

Mr. Donofrio noted that the price range for the condominiums is approximately \$185,000 per unit and that the homes will most likely appeal to buyers in the age range of 25 to 35 years. Mr. Donofrio noted that square footage of the units is approximately 1,150 to 1,200 square feet and that each unit has a one-car garage.

Mr. Miller stated the City's intent is to hold a public informational meeting for residents prior to holding a public hearing.

Chairman Chamberlain encouraged the developer to meet with the Planning Department with respect to providing the City with the appropriate PUD documentation.

From: Barbara and Robert Jackson

3035 Daley

To: Planning Commission

Re: Planned Unit Development at old Big Beaver School

This PUD was brought to the neighbors in Feb. 2003 by the planning department.

Supposedly it was 3 years in the making and was brought to you under the PUD. Rules.

The first major error in the plan was called to their attention at that time.

The landscape along Big Beaver went through private property, owned by us, which was not part of the developer property. Since then, the developer has said more than once that he is not interested in buying our property, yet the city people are pressuring us to give up our garden lot. For a lot of reasons{including 3 lbs. of morel mushrooms that we found in the garden, last week end} we will not give up our garden lot. It seems the city people think our property is vital to the development.

You are familiar with the second major error. How could they not know that Big Beaver was scheduled to be widened to 3 west bound lanes at that point. When we asked at the April 24 meeting we were told that there was no plan to widen by the city planning dept. We went to engineering the next morning and were told otherwise. This caused big changes in the plan.

HOW MANY OTHER ERRORS ARE THERE IN THIS PLAN?

We believe that the traffic studies are not a true reflection of the impact on this neighborhood. There are almost 80 new homes coming in the wetland development at the end of Hartland. Plus all the homes on Hartland, Boyd, Daley and Daley Ct. will be competing with Urbancrest for access to Rochester Rd.

Neighbors are panicking and talking of selling. Most believe that there will be a serious negative impact from this PUD.

This development does not meet the INTENT of the PUD.

This development does not result in "improvements to the public health, safety and welfare in the area."*

This plan is not compatible with adjacent uses"*

The plan does not "preserve significant natural features, provide greater amount of open space, provide extensive pedestrian facilities and amenities...of enhance or replace those which would otherwise be provided by entities. (e.g. recreation, transportation, safety and security}" *

"These are all quotes from the PUD Zoning Ordinance and there are many other inconsistencies in this development plan. We hope you will not give approval to the plan the way it is written at this point.

ROCHESTER COMMONS PLANNED UNIT DEVELOPMENT
PUBLIC INPUT SESSION

February 11, 2003, 7:30PM

SIGN-IN SHEET

	NAME	ADDRESS
1	BERT JUNE WALTERS	1184 HARTLAND TROY, MI 48083
2	GREG FORESTER	1696 HARTLAND TROY, MI 48083
3	ALISS LOZZI	1125 + 1135 E. BIG BEAVER
4	GARY DONNA JAKUBOWSKI	1120 HARTLAND TROY, MI 48083
5	DAVE HURNAN SHEILA NEWTON	1115 E. BIG BEAVER
6	Robin Dick Beltrami	6614 Parkview Dr. 48098
7	Bob & Darl Jackson	3035 Daley 48083
8	Carolyn Thomas	1130 Hartland 48083
9	Steven Jordano	1125 Hartland
10	JEFF PEREZ	1057 VERANCREST DR 48083
11	Dennis BRINKER	WAGON WHEEL SALON
12	Helen Hase	1069 Verancrest TROY
13	Carol Taylor	
14	Phil Thomas	1130 Hartland DR. Troy

Paula P Bratto

From: Nancy Negohosian [nnegohosian@hms-group.com]
Sent: Thursday, June 05, 2003 3:59 PM
To: planning@ci.troy.mi.us
Subject: T2N, R11E, Part of the SW 1/4 of Section 23

To Whom It May Concern:

As a property owner on Big Beaver Road, I would like to urge the Planning Commission to grant the variance to Tadian Development to establish the Rochester Commons Planned Unit Development. The property that would be utilized will be greatly improved by the establishment of this condominium community. Our two buildings would face the Big Beaver border of this development. We would have a park like setting to view and the mish-mash of housing and abandoned buildings would be eliminated. This would also be very positive for the tax base in Troy also. Please do the right thing and approve this development.

Sincerely,
Nancy A. Negohosian
Property Owner
1200 and 1230 E. Big Beaver Road

REC'D

JUN 06 2003

PLANNING DEPT

Paula P Bratto

From: David Sofy [dsofy@hms-group.com]
Sent: Thursday, June 05, 2003 3:25 PM
To: planning@ci.troy.mi.us
Subject: Public Hearing 6-16-03

To Whom It May Concern:

I am a business owner across the street from the Tadian Development on E. Big Beaver. I would love to see his development go in and improve the existing property. Real estate values have been slumping for quite awhile and I believe his development may help to stabilize this situation. Please count my vote as a big positive in his appeal for a zoning change.

David Sofy
HMS Products Co.
1200 E. Big Beaver

REC'D

JUN 06 2003

PLANNING DEPT

6/6/03

Paula P Bratto

From: Greatout2001@aol.com
Sent: Wednesday, March 12, 2003 1:05 PM
To: planning@ci.troy.mi.us
Subject: Rochester Commons Development

Dear Mark Miller,

My name is Kirk Kibby I own the property located at 3107 Parkton. I am sending you this e-mail after talking on the phone with Brent. My only issue with the proposed condo complex is the closing of Parkton St. in front of my property which is located at 3107 Parkton. I must say that the overall site plan looks great and I offer no opposition in the development other than the closing of Parkton St. Parkton St. is a legal road that has been in existence over 75 years, it has been maintained by both the County and also the City of Troy. Parkton St. is labeled with a street sign and is also on the map! Again I think that the site plan looks great and I feel it would be a great addition to the City of Troy. I do not wish to seek legal action to keep the road open.

Thank you for your time and consideration: Kirk Kibby

(586)254-5263

March 11, 2003

Received MAR 11 2003
② Planning Commission
Meeting

Troy City Council/Planning Department:

This letter is in response to the building of Rochester Commons Planned Unit Development. We, the homeowners on Hartland Street, have some privacy, noise and security issues that we would like to see resolved. They are as follows:

Since a road will be constructed adjacent to the property line, we propose that a minimum 6 foot high brick wall be put along the property line. Such wall would be constructed before any type of development begins. This includes the demolition process. This would provide both a sound barrier, security, and eye appeal between the property and adjoining street.

The project also shows the constructing of several street lights a minimum of 10 foot or higher. This would also light up our property leaving us with a minimum of privacy. The light fixtures should be no more than 6 foot in height and shields be provided on the Hartland side.

There is also the matter of 25' of city property between the existing home owners and the new development. The homeowners on Hartland would like the city of Troy to deed the land to the homeowners. It would still be a city easement, but the homeowners would maintain such property. This would also give homeowners an extra buffer between them and the proposed development.

We feel that these are just a few small adjustments to the proposed development. However, they will give peace of mind to all parties concerned. We hope that some kind of agreement concerning these matters can be met. Your cooperation and attention to these concerns is greatly appreciated.

Sincerely,

Greg & Lisa Forester
1112 & 1096 Hartland

Gary & Donna Jakubowski
1120 Hartland

Kent & Carolynn Thomas
1130 Hartland

Paula P Bratto

From: Nancy Negohosian [nnegohosian@hms-group.com]
Sent: Thursday, February 06, 2003 12:09 PM
To: planning@ci.troy.mi.us
Subject: Tadian Homes/Big Beaver School Project

Please let this correspondence serve as the HMS Products Co. 1200 and 1230 E. Big Beaver Road endorsement of the Tadian Homes Project that will be discussed Tuesday February 11, 2003 at 6:00PM.

The look of East Big Beaver from the current Fire Station to Daley Road would be greatly improved by the Tadian condominium development. I think the empty nesters and professionals of Troy will welcome this style of community specially with the park like setting. If further information is required of our company, please contact me.

Sincerely,
Nancy Negohosian
Vice President
HMS Products Co.
1200 E. Big Beaver Road
Troy, MI 48083
(248) 689-8120

Mark F Miller

From: Paula P Bratto
Sent: Tuesday, February 11, 2003 12:35 PM
To: Mark F Miller
Subject: FW: PUD for big beaver school site

Paula Preston Bratto

Planner
(248) 524-3365

-----Original Message-----

From: Mike Young [mailto:bmwmay@wideopenwest.com]
Sent: Tuesday, February 11, 2003 10:47 AM
To: planning@ci.troy.mi.us
Subject: PUD for big beaver school site

I am unable to attend the meeting regarding the Big Beaver School development tonight, but was hoping you could answer a question for me.

Will this new condo development only have access to Rochester Road via Urban Crest?
I live at 1081 Hartland (facing parkton street) and am very concerned of increased traffic if this 80 unit complex will be able to use Parkton as a through street. As I'm sure you are aware, we also have a new single family home subdivision being built at the end of Hartland off Daley Street which will add lots of traffic to Hartland as its access to Rochester Road.

If this new condo complex will not increase traffic on my street, I am in complete support.
Thank you for your prompt response.
Rebecca Young

PLEASE NOTE THE PHONE NUMBER 248.534.3364 IS "BEING CHECKED FOR TROUBLE". I CAN NOT REACH YOU VIA TELEPHONE. (2-11-03 10:45 AM)

TROY

SCHOOL DISTRICT

Janet H. Jopke, Ed.D., Superintendent of Schools

4400 Livernois Road
Troy, Michigan 48098-4799
248.823.4000
248.823.4013 Fax

Michael M. Adamczyk, Assistant Superintendent Business Services

March 7, 2003

Mr. John Szerlag, City Manager
City of Troy
500 West Big Beaver Road
Troy, MI 48083

REC'D

MAR 12 2003

PLANNING DEPT.

RECEIVED

MAR 11 2003

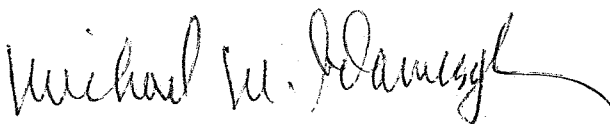
CITY OF TROY
CITY MANAGER'S OFFICE

Dear Mr. Szerlag:

The Troy School District is very much in support of the proposed Tadian Development Project at our Big Beaver site. As you know the Tadian Development Company has made an offer to purchase this property from the Troy School District for the purpose of constructing a multi-unit residential development. This development would be a benefit to the Troy School District by bringing in additional students and would also benefit the city of Troy by increasing its tax base.

Please share this letter with the Troy Planning Commission that we understand is having a hearing on this subject Tuesday, March 11, 2003. If you would like to discuss this matter in more detail, please do not hesitate to contact me.

Very truly yours,



Michael M. Adamczyk
Assistant Superintendent
Business Services

Cc: J. Jopke

Tonni L Bartholomew

From: Lori G Bluhm
Sent: Wednesday, July 02, 2003 4:33 PM
To: Tonni L Bartholomew
Subject: FW: T-Mobile

*Lori Grigg Bluhm
City Attorney, City of Troy
(248) 524-3323*

-----Original Message-----

From: Keith Davidow [mailto:kdavidow@nsi-consulting.com]
Sent: Wednesday, July 02, 2003 4:26 PM
To: Lori Bluhm
Subject: T-Mobile

Lori:

I kindly ask that you remove the T-Mobile matter from the City Council's July 7, 2003 agenda and have it placed on the next available agenda.

Thank you

Keith A. Davidow
NSI Consulting and Development, Inc.
26657 Woodward Ave. Suite 100
Huntington Woods, MI 48070
248-399-0700 (office)
248-399-6085 (fax)
248-252-2000 (mobile)

7/3/2003



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: May 29, 2003
SUBJECT: Proposed Acknowledgement and Lease- Sylvan Glen tower

T-Mobile has approached our office, requesting the opportunity to co-locate on the communication tower located at Sylvan Glen Golf Course. The tower has the capacity for four providers plus the City's antennae. There are three other providers who have previously co-located on the tower- AT & T, Nextel, and Verizon. The City entered into a lease agreement with the AT & T, who constructed the tower and currently owns the tower. The City has subsequently entered into Acknowledgement and Leases for all other providers. These Acknowledgement and Leases expressly incorporate the AT & T lease agreement.

T-Mobile, through Omnipoint Holdings, has agreed to pay the attached rent schedule for the use of the tower and the equipment shelter. This rent schedule reflects the rent currently being paid by the other providers. In addition, the acknowledgement and lease term expires at the same time that the Verizon acknowledgement and lease expires. It is my recommendation that to approve the attached Acknowledgement and Lease, and allow T-Mobile to be the last entity to co-locate on the Sylvan Glen cell tower.

Keith Davidow, the attorney representing T-Mobile, will be present at the City Council meeting to respond to any questions. If you have any questions concerning the above, please let me know.

CC: John Szerlag, City Manager
Carol Anderson, Parks and Recreation Director
James Nash, Financial Services Director
Mark Stimac, Building and Zoning Director
William Nelson, Fire Chief

ACKNOWLEDGMENT AND LEASE

This Acknowledgment and Lease (the "Acknowledgment") is made this _____ day of _____, 2003, between Omnipoint Holdings, Inc. (hereinafter Omnipoint), a Delaware corporation, whose business address is 12170 Merriman Road, Livonia, Michigan 48150, and the City of Troy (hereinafter "City"), a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, MI 48084.

- A. The City and Wireless PCS, Inc., d/b/a AT & T Wireless Services (AT & T) entered into a Ground Lease dated October 6, 1998 (the "Lease") pertaining to the lease of a certain part of the City's property located at the Sylvan Glen Golf Course, Troy, Michigan (the "Property"), to enable AT & T to construct a communication tower and equipment shelter (collectively referred to as the "Tower") for use by AT & T, the City, and by other telecommunications companies.
- B. Under the terms of the Lease, AT & T is required to allow other telecommunications companies to utilize the Tower constructed by AT & T, with the rental for such use of the Tower space and a part of the City's property payable to the City.
- C. Omnipoint is interested in leasing a part of the Tower and equipment shelter constructed by AT & T as authorized by the Lease.
- D. The parties are desirous of setting forth their agreements with respect to the utilization of the Tower.

NOW THEREFORE, Omnipoint and the City agree as follows:

1. **Lease.** The City leases to Omnipoint and Omnipoint leases from the City a portion of the 21' x 42 1/2' equipment shelter constructed upon the Property, together with a non-exclusive easement for ingress and egress over the adjacent real property as legally described in the access easement and the utilities easement under the Lease. The City of Troy will also be sharing less than one half of the designated equipment shelter bay. In addition, Omnipoint may utilize the vertical space at 130 feet on the Tower unless modified by a written amendment executed by the City, Omnipoint, and AT & T. Omnipoint's Facilities and easement are collectively referred to as "Omnipoint's Premises". By entering into this Acknowledgement and Lease, the City waives any rights to install any additional equipment on the tower. This does not preclude a replacement or a repair of the City's antennae that currently exist on the tower.

2. **Consideration.** Omnipoint agrees to pay the City a lump sum of non-refundable initial payment of Fifty Thousand Dollars and no/100 (\$50,000), at the time that construction is commenced, which shall be not later than December 31, 2003. Omnipoint further agrees to pay the sum of Ten Thousand Dollars and no/100 (\$10,000) for the purchase of microwave communications equipment, which shall be paid at the time that construction is commenced, which shall be not later than December 31, 2003. These payments are made in connection with the negotiation of the Lease and in lieu of the annual rent for part of the initial four year term commencing July 1, 2003. Omnipoint shall pay the City as annual rent for the Premises each year during the term of this Lease, the rent specified on the attached Exhibit A, which annual rent payment shall commence without further notice on July 1, 2007.
3. **Notification.** Any written communication between the parties shall be sent to the following:
 - (a) **City:** City Manager, **City of Troy**, 500 W. Big Beaver Rd., Troy, MI 48085, with a copy sent to City Attorney, **City of Troy**, 500 W. Big Beaver Rd., Troy, MI 48084
 - (b) **Omnipoint:** **T-Mobile USA**, Inc., Attn. PCS Lease Administrator, 12920 SE 38th Street, Bellevue, WA 98006, with a copy to **T-Mobile USA, Inc.**, Attn. Legal Department, 12920 SE 38th Street, Bellevue, WA 98006, and a copy sent to **Omnipoint Holdings, Inc.**, Attn. Marketing Director, 12170 Merriman Road, Livonia, MI 48150 and a copy sent to **Omnipoint Holdings, Inc., c/o T-Mobile USA, Inc.**, Attn. Lease Administration Manager, 8550 W. Bryn Mawr Ave., Chicago, IL 60631.
4. **Consent to be bound by Lease.** Omnipoint agrees and acknowledges that it has reviewed the terms of the Lease between the City of Troy and AT & T. Omnipoint agrees to be bound by paragraphs 1-36 of the Lease as if it were a tenant under such Lease. Such terms are incorporated by reference into this Acknowledgement.
5. **Insurance and Indemnity.** Omnipoint shall provide the City with copies of insurance naming the City as an additional insured party, as required by paragraph 21 of the Lease. Omnipoint agrees to assume the risks of a tenant under such Lease and indemnify the City in accordance with the terms set forth in the Lease, including

but not limited to, the indemnification pertaining to hazardous substances.

6. **Waiver of City's Lien.** The City waives any lien rights it may have concerning Omnipoint's Facilities that are deemed Omnipoint's personal property and not fixtures, and Omnipoint has the right to remove the same at any time without the City's consent.
7. **Assignment.** Omnipoint may not assign, or otherwise transfer all or any part of its interest in this Acknowledgment or in Omnipoint's Premises without the prior written consent of the City; provided, however, that Omnipoint may assign its interest to its parent company, any subsidiary or affiliate or to any successor-in-interest or entity acquiring fifty-one percent (51%) or more of its stock or assets, subject to any financing entity's interest, if any, in this Acknowledgment as set forth in Paragraph 5 above. The City may assign this Acknowledgment upon written notice to Omnipoint, subject to the assignee assuming all of the City's obligations herein, including but not limited to, those set forth in Paragraph 5 above.
8. **Authority.** By execution of this Acknowledgement, each party acknowledges that it has the authority to execute this document on behalf of the party for whom it is signing this Agreement.
9. **Inconsistencies.** In the case of any inconsistencies between the terms and conditions contained in the Lease Agreement entered into October 6, 1998, between the City and AT & T, hereby acknowledged, the terms and conditions herein shall control.

IN WITNESS HEREOF, the parties have executed this Acknowledgment on the date set forth below.

WITNESS:

OMNIPOINT HOLDINGS, INC.

By: Greg Cisewski
Its: Vice President of
Engineering and Operations

The foregoing instrument was acknowledged before me on this _____ day of _____, 2003 by Greg Cisewski, Vice President of Engineering and Operations of **Omnipoint Holdings, Inc..**

Notary Public

County, _____
My Commission Expires _____

WITNESS:

CITY OF TROY

By: _____
Matt Pryor, Mayor

By: _____
Tonni L. Bartholomew
City Clerk

The foregoing instrument was acknowledged before me on this _____ day of _____, 2003 by Matt Pryor, Mayor of the City of Troy, and Tonni L. Bartholomew, Troy City Clerk.

Notary Public

County, Michigan
My Commission Expires _____

EXHIBIT A

RENT

Years 1-4

Annual Rent

1. July 1, 2003- June 30, 2004	\$0
2. July 1, 2004- June 30, 2005	\$0
3. July 1, 2005- June 30, 2006	\$0
4. July 1, 2006- June 30, 2007	\$0

Years 5-9

5. July 1, 2007- June 30, 2008	\$14,400
6. July 1, 2008- June 30, 2009	\$14,400
7. July 1, 2009- June 30, 2010	\$16,800
8. July 1, 2010- June 30, 2011	\$16,800
9. July 1, 2011- June 30, 2012	\$16,800

Years 10-14

10. July 1, 2012- June 30, 2013	\$16,800
11. July 1, 2013- June 30, 2014	\$16,800
12. July 1, 2014- June 30, 2015	\$19,200
13. July 1, 2015- June 30, 2016	\$19,200
14. July 1, 2016- June 30, 2017	\$19,200

Years 15-19

15. July 1, 2017- June 30, 2018	\$19,200
16. July 1, 2018- June 30, 2019	\$19,200
17. July 1, 2019- June 30, 2020	\$21,600
18. July 1, 2020- June 30, 2021	\$21,600
19. July 1, 2021- June 30, 2022	\$21,600

Years 20-24

20. July 1, 2022- June 30, 2023	\$21,600
21. July 1, 2023- June 30, 2024	\$21,600
22. July 1, 2024- June 30, 2025	\$24,000
23. July 1, 2025- June 30, 2026	\$24,000
24. July 1, 2026- June 30, 2027	\$24,000

June 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director
Gary G. Mayer, Police Captain/Support Services
Samuel P. Lamerato, Superintendent of Motor Pool

Subject: Uniformed Foot Patrol Guard Service Justification DPW Yard

For the past twenty years, the DPW yard has utilized a guard service on the weekends (from 8:00AM Saturday to 2:00AM on Sunday morning, from 8:00AM Sunday to 2:00AM on Monday), and on legal holidays. The normal hours of operation for the DPW yard are 7:00AM to midnight, Monday thru Friday.

When the DPW yard stands idle, a uniformed security officer on site provides a visual deterrent to any criminal activity. The potential for vandalism increases on weekends and holidays. As a result of having a uniformed security guard on duty, there have been only a few occasions of vandalism and/or theft of the estimated over \$9,000,000 in vehicles, equipment and materials stored at the yard. The figure does not include the value of the buildings located at this site.

The DPW yard encompasses an area that measures 455' from North to South and 1700' from East to West (over 17 acres). Enclosed you will find an aerial view of the grounds showing the locations where the guard stops during his hourly foot patrol. A manually operated security check recording device is used to document that these sites have been patrolled on an hourly basis. Also, a written hourly log is provided by the guard service, detailing all activity at the yard during the hours the guards are present. In the past, the security guard has found keys in vehicles, vehicle/equipment windows left down, vehicles leaking fuel, doors unlocked, building windows not secured, gates left open, unauthorized vehicles and personnel trying to enter the yard, etc. During the course of his foot patrol, the guard is able to detect any unauthorized personnel, fires, or hazardous circumstances at the facility. Earlier this spring, one of our neighboring cities experienced a major fire at their Public Works facility. A passing motorist on the expressway notified the Fire Department that flames were coming out of their DPW building. They suffered major building and equipment losses. If a guard and security system were on site, their losses could have been minimized.

Some of the other duties of the guard are to physically check City I.D. before allowing any personnel in the yard and/or buildings, and he oversees the fuel island and dispensing of fuel to city vehicles on weekends. On occasion, we have outside contractors working in the DPW and Parks buildings (such as the custodial crew, carpet cleaners, etc.). The guard is available to make sure all entry doors and windows are secured when the contractors leave. The security guard also ensures that the visitors do not take city owned property without authorization.

The Police Department's fatal accident impound lot is located within the DPW yard. The guard assures that no unauthorized personnel enter this secured area to tamper with, photograph or remove evidence from these vehicles.

A uniformed guard is trained to identify any possible breach in security and also can handle potential hazardous situations (such as fire, fuel spills, flooding of a building, furnace failure, etc.). The primary goal of having a security guard is the physical presence and timely response to any potential problem.

The guard is supplied with emergency phone numbers in the event that he needs to contact a DPW official to advise them of a problem at the yard.

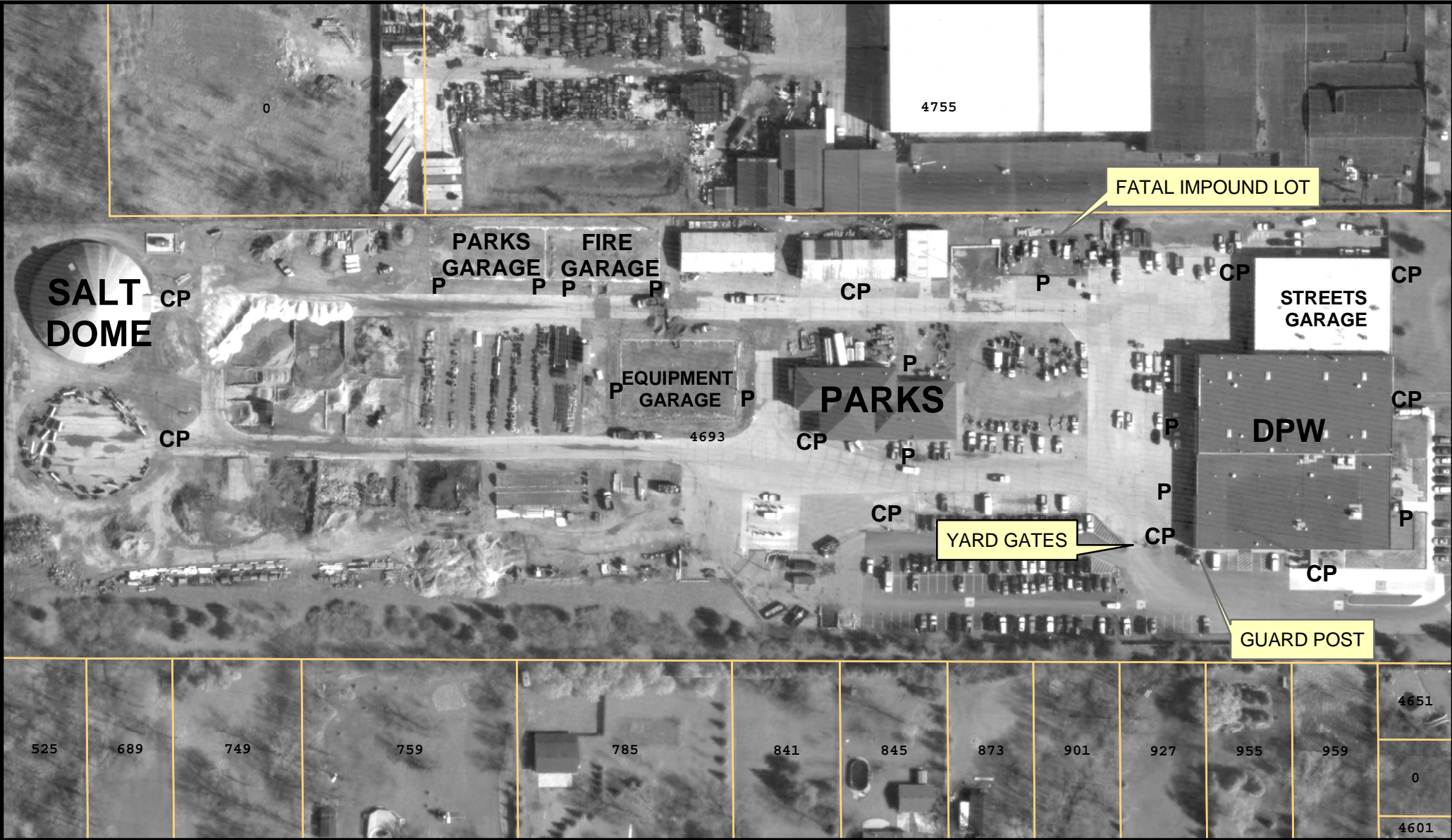
In addition to the security guard overseeing the buildings and equipment, he also assists residents in the Recycling Center. It is the responsibility of the guard to open and close the gates to the Recycling Center. The guard monitors the Recycling Center to make sure residents are not dropping off hazardous materials, such as gasoline, diesel fuel, pesticides, containers of paint, etc. They also check identification to verify the residency of patrons using the Recycling Center. Their presence acts as a deterrent to any possible problems that may occur at the Recycling Center, such as personality conflicts over the loading and quantities of compost and wood chips. They also prevent yard waste, recreational items (such as boats, snowmobiles, motorcycles, etc.), household debris (riding mowers, furniture, televisions, etc.) from being dropped off.

From the security post, located at the gates allowing accessibility to the yard, he can monitor all traffic coming and going. Their presence is also an assurance that children are not entering the yard and playing on the stockpiled materials and/or the approximate 300 pieces of equipment stored at the yard.

Though they are planned, we currently do not have any video cameras or automatic gates at the DPW facility. The guard service, in conjunction with video surveillance and recording equipment with proper locking devices are the best deterrent to crime. The cameras can provide coverage in potential loss areas. However, even with the camera system, there is a need for a uniformed guard on foot patrol to provide better coverage and to address situations before they become a potential loss to the city.

The security guard service, in conjunction with the proposed video surveillance, recording and access control system, would give the city a high level protection of the buildings and the city assets located at the DPW yard 24-hours a day, 7 days a week.

DPW YARD
HOURLY FOOT PATROL CHECK POINTS



CHECK POINTS
CP=CURRENT & PROPOSED
P=PROPOSED



1 inch equals 141.3 feet

CITY OF TROY
OAKLAND COUNTY MICHIGAN

A Regular Meeting of the Troy City Council was held Monday, June 16, 2003, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Lambert called the Meeting to order at 7:37 P.M.

The Invocation was given by Mayor Pro Tem Lambert and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor – Arrived at 9:36 P.M.
 Robin E. Beltramini
 Cristina Broomfield
 David Eisenbacher
 Martin F. Howrylak
 David A. Lambert
 Jeanne M. Stine

A-1 Presentations: (a) Proclamation to honor William McCabe as the 2002 Police Officer of the Year; Officer McCabe was not present to receive his award; (b) Mayor Pro Tem Lambert presented a Proclamation to honor JoAnn Irvin as the 2002 Non-Sworn Police Department Employee of the Year; (d) Mayor Pro Tem Lambert and Michael DeFoley of the Troy Chamber of Commerce presented Certificate of Recognitions on behalf of the Troy Chamber of Commerce and the Troy School District to area businesses: Bulldog Promotions, Walsh College, Express Personnel Services and Detroit Pencil Company for their participation in the “APT to Succeed Program” ; (e) Kara Huang introduced herself as Student Representative Applicant to the Ethnic Issues Advisory Board; (c) Sgt. Major Jack Turner described the mission of the Troy Heritage Campaign designating the Troy Historical Village as a primary destination point in the City of Troy; (f) Mayor Pro Tem Lambert presented a proclamation recognizing July 2003 as Parks & Recreation Month; (h) Mayor Pro Tem Lambert presented a proclamation recognizing June 15-21, 2003 as Troy Junior Chamber of Commerce Week; and (g) Mayor Pro Tem Lambert introduced Marie Weber who presented checks to the City of Troy on behalf of the Skate Boarders as a result of their fund raising efforts for the building of a skate park .in the City of Troy.

On behalf of St. Nicholas Greek Orthodox Church, State Representative John Pappageorge announced that the church is holding their Big Fat Greek Open Festival on the 27th, 28th and 29th of June.

PUBLIC HEARINGS

C-1 Rezoning Application Z-688 – East Side of Coolidge, South of Maple, Section 32 – M-1 to O-1

Resolution #2003-06-303
 Moved by Eisenbacher
 Seconded by Stine

RESOLVED, That the M-1 to O-1 rezoning request, located on the east side of Coolidge Road, south of Maple Road, Section 32, being 0.86 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert, Stine

No: None

Absent: Pryor

Mayor Pryor arrived at 9:36 P.M.

C-2 Preliminary Planned Unit Development Review – PUD-002, Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street, Section 23

Vote on Postponement

Resolution #2003-06-304

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That the Public Hearing for the Preliminary Planned Unit Development Review, PUD-002, Rochester Commons, north side of Big Beaver Road, east of Rochester Road and west of Daley Street, Section 23 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 7, 2003.

Yes: All-7

Mayor Pro Tem Lambert relinquished the chair to Mayor Pryor.

RECESS: 10:27 PM – 10:49 PM

Vote on Resolution to Suspend Rules

Resolution #2003-06-305

Moved by Pryor

Seconded by Lambert

RESOLVED, That City Council suspend Rules of Procedure #5 Order of Business and move forward Report and Communications Item G-7 on the current agenda.

Yes: All-7

G-7 Memorandum (Green) – Alternate Cricket Field Sites

Resolution #2003-06-
Moved by Pryor
Seconded by Stine

RESOLVED, That the original Cricket Agreement be **AMENDED** by limiting games to Saturdays and Sundays only from 10:30 a.m. until 6:30 p.m. and that the Cricket season will not extend beyond October 1, 2003.

Vote on Amendment

Resolution #2003-06-306
Moved by Lambert
Seconded by Pryor

RESOLVED, That the proposed resolution be **AMENDED** by **INSERTING**, "The Cricket field site **SHALL BE MONITORED** by a City of Troy employee at 6:30 p.m. after the end of each Cricket game."

Yes: All-7

Vote on Amended Resolution

Resolution #2003-06-307
Moved by Pryor
Seconded by Stine

RESOLVED, That the original Cricket Agreement be **AMENDED** by limiting games to Saturdays and Sundays only from 10:30 a.m. until 6:30 p.m. and that the cricket season will not extend beyond October 1, 2003.

BE IT FURTHER RESOLVED, That the Cricket field site **SHALL BE MONITORED** by a City of Troy employee at 6:30 p.m. after the end of each Cricket game

Yes: All-7

Resolution #2003-06-308
Moved by Pryor
Seconded by Lambert

RESOLVED, That City Management **PROVIDE** City Council with practical options for an alternate site for a Cricket Field at the Regular City Council Meeting scheduled for Monday, July 21, 2003.

Yes: All-7

C-3 Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple – Section 27

Resolution #2003-06-309

Moved by Pryor

Seconded by Eisenbacher

WHEREAS, A request has been received for the vacation of a portion of a section of alley that is 18 feet wide by approximately 222.54 feet, within the Addison Heights Subdivision, abutting Lots 78 through 90 and 589, Section 27.

WHEREAS, The Planning Commission recommended that the street vacation be granted subject to the following conditions:

1. Retention of easements for utilities.

WHEREAS, The Planning Commission did not have knowledge that the subject alley provides access to off street parking,

NOW, THEREFORE, BE IT RESOLVED, That the City Council **APPROVE** the Street Vacation Application (SV-182) – a section of alley located south of Chopin and north of Maple – Section 27 contingent upon an easement for continued use of full alley and until such time development of property directs recording of easement.

Yes: All-7

POSTPONED ITEMS

D-1 Request for Commercial Vehicle Appeal – 1093 W. Wattles

Resolution #2003-06-310

Moved by Eisenbacher

Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not

negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

None cited.

NOW, THEREFORE, BE IT RESOLVED, That the request from Bruce Byrd, 1093 W. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **APPROVED** for 2 years **CONTINGENT** upon the vehicle being parked behind the residence.

Yes: All-7

D-2 Zoning Ordinance Text Amendment – Article XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00

Resolution #2003-06-311
 Moved by Eisenbacher
 Seconded by Pryor

RESOLVED, that Article XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, Option C, be adopted.

BE IT FINALLY RESOLVED, to amend the indicated portions of the Environmental Provisions text in the following manner:

(Underlining, except for major section titles, denotes changes.)

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	<u>District/Use</u>	<u>Requirements</u>
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving	4'-6" high wall

Non-Residential Zoning Districts.

- | | | |
|-----|---------------------------------------|---|
| (E) | M-1 Districts - open storage area | 6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04 |
| (F) | Hospital ambulance and delivery areas | 6'-0" high wall |

(Rev. 10-7-96)

39.10.05 Landscaped Buffer or Berm Option

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least one hundred (100) feet between the property line and the off-street parking area, the applicant shall have the option of providing a landscape buffer within the one hundred (100) foot distance, in lieu of the required wall. The buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of less than one-hundred (100) feet and at least forty-five (45) feet between the property line and the off-street parking area, the applicant shall have the option of providing a 4'-6" landscaped earth berm in lieu of the required wall. The design of the berm shall meet the following standards:

(A) The slope of the berm shall be no greater than one foot vertical for each three feet horizontal (1 on 3).

(B) There shall be a two (2) foot wide horizontal crest at the top of the berm.

(C) The off-street parking area side of the berm, shall include, at a minimum, four (4) feet between the lowest point of the berm and the off-street parking area, to provide for berm maintenance. The residential side of the berm shall include, at a minimum, twelve (12) feet between the lowest point of the berm and the adjacent residential property, to provide space for a utility and stormwater easements.

(D) The berm shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

Yes: All-7

D-3 Proposed Alley Vacation – Daley Street

Resolution #2003-06-312

Moved by Lambert

Seconded by Beltramini

Vote on Postponement

RESOLVED, That Postponement for the Public Hearing for the Proposed Alley Vacation – Daley Street be **CONTINUED** until such time as an agreement between Mr. & Mrs. Jackson and the City of Troy can be reached or until September 22, 2003, whichever shall occur first.

Yes: All-7

D-4 Acknowledgement and Lease Agreement– Sylvan Glen Tower

Resolution #2003-06-313

Moved by Beltramini

Seconded by Broomfield

Vote on Postponement

RESOLVED, That the request for Acknowledgement and Lease Agreement, Sylvan Glen Tower be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 7, 2003.

Yes: All-7

PUBLIC COMMENT:

A. Items on the Current Agenda

**E-4 Extension of Preliminary Plat-Tentative Approval – Oak Forest Subdivision
(Revised) West Side of John R. Road; South of Square Lake Road – Section 11**

Resolution #2003-06-314

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That a one-year extension of the Tentative Approval be **GRANTED** to the Preliminary Plat of Oak Forest Subdivision (Revised), west side of John R Road, south of Square Lake Road in Section 11.

Yes: All-7

E-5 Extension of Preliminary Plat – Tentative Approval – Beachview Estates – West Side of Beach; South of Long Lake – Section 18

Resolution #2003-06-315

Moved by Beltramini

Seconded by Lambert

RESOLVED, That a one-year extension of the Tentative Approval be **GRANTED** to the Preliminary Plat of Beachview Estates Subdivision, on the west side of Beach, south of Long Lake in Section 18.

Yes: All-7

F-3 Ground Water and Methane Gas Monitoring at Sanctuary Golf Course Contract Change Order with NTH Consultants

Resolution #2003-06-316

Moved by Stine

Seconded by Eisenbacher

RESOLVED, That Change Order No. 1 to our existing contract with NTH Consultants for environmental services is hereby **APPROVED** in the amount of \$57,400.00 for ground water and methane gas monitoring at the Sanctuary Golf Course. Funds are available from bonds issued by the Building Authority for the construction of the golf course.

Yes: All-7

F-8 2003 Annual Salary Update for Classified and Exempt Employees and Change to Personnel Rules & Regulations

Resolution #2003-06-317

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the 2003 Classification and Pay Plans are hereby **APPROVED** as recommended by City Management and the Personnel Board, and a copy shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the revision to the Personnel Rules and Regulations for Classified Personnel is hereby **APPROVED**, as recommended by City Management and the Personnel Board, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-11 Request to Develop Ballot Proposal Language: Sale of Property at Civic Center

Resolution #2003-06-318

Moved by Stine

Seconded by Beltramini

RESOLVED, That City Management is **AUTHORIZED** to work in conjunction with the City Attorney's Office to develop proposed ballot language asking the electors of the City of Troy for the authority to sell approximately eleven acres of property in the southeast quadrant of the Civic Center for reason of having a hotel/conference center and ancillary uses constructed on the Civic Center site.

Yes: Broomfield, Eisenbacher, Lambert, Stine, Pryor, Beltramini

No: Howrylak

MOTION CARRIED

F-13 City Calendar Program Review

Resolution #2003-06-319

Moved by Beltramini

Seconded by Stine

RESOLVED, That **AUTHORIZATION IS GRANTED** to take Requests for Proposals for the 2004 City Calendar with the understanding that the Calendar will be awarded and implemented after competitive bids have been received, funds have been budgeted in the 2003-04 budget.

Yes: Stine, Pryor, Beltramini

No: Eisenbacher, Howrylak, Lambert, Broomfield

MOTION FAILED

F-4 Final Site Condominium Review – Colleen Meadows Site Condominium – West of Dequindre Road and South of Square Lake Road – Section 12 – R-1C

Resolution #2003-06-320

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the Final Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Colleen Meadows, located west of Dequindre Road and south of Square Lake Road, including 20 homes sites, within the R-1C Zoning District, being 7.5 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes: All-7

G-12 Memorandum (Green) – Golf Course Name Selection – The Sanctuary

Resolution #2003-06-
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That the Parks and Recreation Board be **DIRECTED** to provide City Council with a recommendation for the name of the Section 1 Golf Course.

Vote on Amendment

Resolution #2003-06-321
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the proposed resolution be **AMENDED** by **STRIKING**, “That the Parks and Recreation Board be **DIRECTED** to provide City Council with a recommendation for the naming of the Section 1 Golf Course” and **INSERTING**, “RESOLVED, That the Section 1 Golf Course be **NAMED**, “The Sanctuary Golf Club”.

Yes: Pryor, Beltramini, Broomfield,
No: Lambert, Stine, Eisenbacher, Howrylak

MOTION FAILED**Vote on Amendment**

Resolution #2003-06-322
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the proposed resolution be **AMENDED** by **INSERTING**, “BE IT FURTHER RESOLVED, That the Parks and Recreation Board be **DIRECTED** to incorporate the word “Sanctuary” in their recommendation.

Yes: All-7

Vote on Amended Resolution

Resolution #2003-06-323
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That the Parks and Recreation Board be **DIRECTED** to provide City Council with a recommendation for the naming of the Section 1 Golf Course; and

BE IT FURTHER RESOLVED, That the Parks and Recreation Board be **DIRECTED** to incorporate the word “Sanctuary” in their recommendation.

Yes: All-7

B. Items Not on the Current Agenda

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2003-06-324
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-9, E-20, E-21, and E-22, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Minutes: Regular Meeting of June 2, 2003

Resolution #2003-06-324-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of June 2, 2003, be **APPROVED** as submitted.

E-3 City of Troy Proclamations:

Resolution #2003-06-324-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- a) Parks and Recreation Month – July 2003
- b) Troy Junior Chamber of Commerce Week – June 15 – 21, 2003

E-6 Troy v. Ronald R. Theuer (Section 24 Park)

Resolution #2003-06-324-E-6

RESOLVED, That the Troy City Council **APPROVES** the attached Judgment of Jury Verdict Determining Just Compensation in the case of City of Troy v. Ronald R. Theuer (Oakland County Circuit Court Case No. 01-037097-CC), **AUTHORIZES** the City Attorney's Office to **EXECUTE** the document, and further **AUTHORIZES** payment of the additional compensation, costs, and attorney fees contained therein.

E-7 Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Agreements – Mailing Equipment

Resolution #2003-06-324-E-7

RESOLVED, That a contract to lease mailing equipment from Pitney Bowes is hereby **APPROVED** through the State of Michigan Extended Purchasing Program at an estimated total cost of \$29,556.00, over 36-months with payments of \$821.00/month. The City has the option to purchase the equipment at lease-end with a final payment of \$100.00.

E-8 Request for Acceptance of Permanent Water Main Easement – Sidwell #88-20-32-200-022 – Project No. 02.956.3 – Owner – BST Limited

Resolution #2003-06-324-E-8

RESOLVED, That the Permanent Easement for Water Main from BST Limited, a Michigan Corporation, having Sidwell #88-20-32-200-022, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Private Agreement for Metroline Expansion – Project No. 02.956.3

Resolution #2003-06-324-E-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Metroline, Inc. is hereby **APPROVED** for the installation of water main on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Redemption of the King Drainage District Drain Bonds

Resolution #2003-06-324-E-11

WHEREAS, The County of Oakland, Michigan (the "County"), has previously issued the following bonds to defray part of the cost of locating, establishing, and constructing the King Drain in the County, of which the following principal amount remains outstanding:

<u>Bonds</u>	<u>Outstanding Principal</u>	<u>Outstanding Bonds to be Redeemed</u>
King Drain Drainage District Drain Bonds Dated 09-01-93	\$900,000	Maturing in the years 2004 thru 2008 \$900,000

all bearing interest, due as to principal and subject to redemption as more fully described on EXHIBIT A to this Resolution (all of such outstanding bonds referred to as the "BONDS TO BE REDEEMED"); and

WHEREAS, The City Council has determined that it is in the best interest of the City and the County that the Bonds to be Redeemed be called with monies on hand at the City, as set forth in the form of Notice of Redemption attached hereto as EXHIBIT B, to secure for the City the anticipated interest savings thereby benefiting the taxpayers of the City.

WHEREAS, The City will deposit with the County on or before June 30, 2003, from available funds the amount of \$918,011.66 to be used for the redemption of all of the outstanding callable King Drainage District Drain Bonds on November 1, 2003 (the "redemption date") including the scheduled interest payment in the amount of \$21,731.40.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, MICHIGAN as follows:

1. The City hereby requests that the County, acting through its Drain Board, call the Bonds to be Redeemed totaling \$900,000 in principal amount as described in EXHIBIT B and hereby consents to fixing the date of redemption of the Bonds to be Redeemed as shown on EXHIBIT B and to causing notice of such redemption, as heretofore provided.
2. The City understands that its obligations to the County under their contractual agreement will continue, as before, until the principal of, premium, and interest on the bonds are paid when said bonds are redeemed on the next interest payment date, November 1, 2003.
3. All resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are hereby rescinded.

E-12 Request for Final Vacation of a Portion of Lovell, Eckerman and Barabeau Streets – East of Rochester

Resolution #2003-06-324-E-12

RESOLVED, That a portion of the 30-foot wide platted public Lovell Street, extending east approximately 2,182 feet from Rochester Road, plus 170 feet of the 60-foot wide Eckerman right-of-way, and 170 feet of the 60-ft wide Barabeau right-of-way, all being part of Eyster's Suburban Home Subdivision, Section 2 (Liber 44, Page 27 of Oakland County Plats), are hereby **VACATED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said final vacation resolution with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-13 Request of Acceptance of Warranty Deeds and Permanent Easements from Golden Homes, Inc. – Section 12 – Sidwell #88-20-12-200-006, 007, 020 & 021

Resolution #2003-06-324-E-13

RESOLVED, That the two Warranty Deeds for road right-of-way and three Permanent Easements for storm sewer, sanitary sewer and detention pond road access from Golden Homes, Inc. having Sidwell #88-20-12-200-006, 007, 020 and 021 are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-14 Request of Approval to Pay Business Relocation Claim – Rick Beverly, Inc. – O’Riley Building Tenant – 2780 Rochester Road

Resolution #2003-06-324-E-14

RESOLVED, That as required by Michigan Laws and Federal Guidelines, the City Council of the City of Troy hereby **AUTHORIZES** payment for relocation benefits on a fixed payment basis in the amount of \$20,000.00 to Rick Beverly, Inc., one of the businesses being displaced from property at 2780 Rochester Road.

E-15 Request for Acceptance of Two Permanent Sidewalk Easements from RWT Building, L.L.C. – Sidwell #88-20-22-401-035

Resolution #2003-06-324-E-15

RESOLVED, That the two Permanent Easements for Sidewalk from RWT Building, L.L.C., for property having Sidwell #88-20-22-401-035, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-16 Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Motorola Communications

Resolution #2003-06-324-E-16

RESOLVED, That a one-year hardware and software maintenance contract for the City of Troy’s radio console and integrated 911 system is hereby **APPROVED** to Motorola Communications, for proprietary hardware and software at an estimated annual cost of \$32,100.00 expiring June 30, 2004.

E-17 Request for Acceptance of Two Permanent Easements for Storm Drain/Sewer from Raymond R. & Catherine A. Comiskey and the Jacqueline A. Cohen Revocable Trust – Sidwell #88-20-18-451-037 & #88-20-18-451-038

Resolution #2003-06-324-E-17

RESOLVED, That the Permanent Easements from Raymond R. and Catherine A. Comiskey, owners of property at 4084 Wentworth Ave., having Sidwell #88-20-18-451-037 and from Jacqueline Ann Cohen, Trustee of the Jacqueline A. Cohen Revocable Trust, dated December 14, 1999, having Sidwell #88-20-18-451-038, are hereby **ACCEPTED** for the operation, maintenance and repair of storm drain/sewer; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-18 Request for Acceptance of Warranty Deed, Private Road Agreement, Emergency Access Easement, Two (2) Permanent Easements for Water Main & Two (2) Permanent Easements for Sanitary Sewer and Authorization for Mayor and City Clerk to Sign the Private Road Agreement – Northwyck/Woodside Bible PUD – Sidwell #88-20-02-151-001 - Project No. 02.953.3

Resolution #2003-06-324-E-18

RESOLVED, That the Warranty Deed, Private Road Agreement, Emergency Access Easement, Two (2) Permanent Easements for Water Main, and Two (2) Permanent Easements for Sanitary Sewer all being part of Northwyck/Woodside Bible PUD are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO SIGN** the Private Road Agreement; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-19 Contract Extension – Mobile Communications Contract Services

Resolution #2003-06-324-E-19

WHEREAS, On March 13, 1995, a five-year contract to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation was awarded to the low bidder, Wireless Resources, Inc. (formerly Mobile Communications Service) (Resolution #95-252) with an option to renew for two additional years exercised March 6, 2000 and April 9, 2001 (Resolution #2000-99-E-3b and #2001-04-188-E-6) and extended February 4, 2002 (Resolution #2002-02-059); and

WHEREAS, Wireless Resources, Inc. has agreed to extend the contract under the same prices, terms and conditions;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the contract is hereby **EXTENDED** with Wireless Resources, Inc., to provide labor and replacement parts for radio and emergency warning equipment maintenance and repair based upon the original contract prices, terms and conditions as outlined in Appendix I, until the City establishes service with the Oakland County Emergency Radio System.

E-23 Troy v. Premium Construction, John Pavone, et. al (Maple Road between John R and Dequindre)

Resolution #2003-06-324-E-23

RESOLVED, That the Troy City Council **APPROVES** the payment of the amounts set forth in the Order for Interim Payment of Just Compensation in the case of City of Troy v. Premium Construction, et. al. (Oakland County Circuit Court Case No. 01-035191-CC) and **AUTHORIZES** the Assistant City Attorney to sign the Order.

ITEMS TAKEN OUT OF ORDER

E-9 Standard Purchasing Resolution 1: Award to Low Bidder – Three (3) Year Requirements of Guard Service

Vote on Postponement

Resolution #2003-06-325

Moved by Eisenbacher

Seconded by Lambert

RESOLVED, That the Standard Purchasing Resolution 1: Award to Low Bidder – Three (3) Year Requirements of Guard Service be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 7, 2003.

Yes: All-7

E-20 Acceptance of Final Street Vacation – Section 26 – Portion of Chopin Street Abutting Lots 521, 522, 523 and 524 – Between John R and Alger Streets in John R Gardens and Request for Acceptance of Warranty Deed – Section 26 – Portion of Lots #543, 544, 545, and 546 - Widening of Maple Road

Resolution #2003-06-326

Moved by Eisenbacher

Seconded by Stine

WHEREAS, A request has been received for the vacation of a portion of the 50-foot wide Chopin Street right-of-way in the area extending east from Alger Street, abutting Lots 481

through 484, and 521 through 524, of the John R Garden Subdivision, as recorded in Liber 31, Page 8 of Oakland Count Plats; and

WHEREAS, Vacation of this portion of Chopin Street shall be subject to the following conditions:

1. Retention of an easement for public utilities over the total street area proposed for vacation; and
2. Conveyance of additional property in order to achieve the planned 60 feet half-width Maple Road right-of-way across the frontage of Lots 543 through 546 of John R Garden Subdivision; and
3. The Execution of a recordable easement by the owners of Lots 521 through 524, granting a lifetime right of access to the owners of Lots 482 through 484 over the south half of that portion of the Chopin Street right-of-way, with said easement to remain in effect until such time as lots 482 through 484 are sold;

WHEREAS, The following properties shall benefit from the requested street vacation:

20-26-483-049	521, 522, 523, 524
20-26-481-006	481
20-26-481-016	482
20-26-481-034	483
20-26-481-038	484

NOW, THEREFORE, BE IT RESOLVED, That final action can now be taken as the three conditions have now been met:

1. The retention of an easement for public utilities over the total street area proposed for vacation.
2. The receipt of a Warranty Deed for 27 feet of right-of-way from owner of Lots 543 through 546 of John R Garden Subdivision, Royal Coney, L.L.C., having Sidwell #88-20-26-483-054.
3. The execution and receipt of a recordable easement by the owners of Lots 521 through 524, granting a lifetime right of access to the owners of Lots 482 through 484 over the south half of that portion of the Chopin Street right-of-way, with said easement to remain in effect until such time as lots 482 through 484 are sold.

BE IT FURTHER RESOLVED, That the Warranty Deed from Royal Coney, L.L.C., having Sidwell #88-20-26-483-054 is hereby accepted, and

BE IT FINALLY RESOLVED, That the portion of the 50-foot wide Chopin Street right-of-way in the area extending east from Alger Street, abutting Lots 481 through 484, and 521 through 524, of John R Subdivision, as recorded in Liber 31, Page 8 of Oakland Count plats be **VACATED** retaining an easement for public utilities over the total street area proposed.

Yes: All-7

E-21 Barton Malow Company v. Kmart, City of Troy et. al

Resolution #2003-06-327

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Barton Malow Company v. Kmart Corporation, City of Troy, et. al and to **RETAIN** any necessary expert witnesses and outside legal counsel to adequately represent the City.

Yes: All-7

E-22 Acceptance of Four Permanent Sanitary Sewer Easements and Approval to Pay Consideration – Dequindre Sewer - Project No. 02.406.5 – Sidwell #88-20-13-278-018, #88-20-13-228-020 & 021, #88-20-13-281-004 and #88-20-13-281-003

Resolution #2003-06-328

Moved by Eisenbacher

Seconded by Pryor

RESOLVED, That City Council **DIRECTS** the City Attorney to **DRAFT** a resolution to the state legislature recommending that required septic hook-up be mandatory as individual septic systems fail instead of the current requirement of 18-months.

Yes: Lambert, Pryor, Beltramini, Broomfield, Eisenbacher, Howrylak

No: Stine

MOTION CARRIED

Resolution #2003-06-329

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That the Four Permanent Easements for Sanitary Sewer from Gregory S. and Machele N. Linska, owners of 2987 Hill, having Sidwell #88-20-13-278-018, from Marion Pomykacz, owner of 40297 Dequindre and an adjacent vacant parcel, having Sidwell #88-20-13-228-020 and 021, and from Anthony P. Minchella and Lilia Minchella Trust and as individuals, owners of 40375 Dequindre and an adjacent vacant parcel having Sidwell #88-20-13-281-004 and #88-20-13-281-003 are **ACCEPTED**; and

BE IT FURTHER RESOLVED, That payment is **AUTHORIZED** in the total amount of \$15,200.00, plus recording costs; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

REGULAR BUSINESS

- F-1 Appointments to Boards and Committees: (1) Mayoral Appointments: (a) Economic Development Corporation (2) City Council Appointments: (a) Advisory Committee for Persons with Disabilities; (b) Ethnic Community Advisory Board; (c) Historic District; and (d) Personnel Board**

(b) City Council Appointments

Resolution #2003-06-330
Moved by Lambert
Seconded by Eisenbacher

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Ethnic Community Advisory Board

Appointed by Council (9) – 3 years

Kara Huang

Term expires 07-01-2004 (Student)

Yes: All-7

**Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting
Agenda Scheduled for July 7, 2003:**

(a) Mayoral Appointments

**Economic Development Corporation
Mayor, Council Approval (9) – 6 years**

Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

(b) City Council Appointments

**Advisory Committee for Persons w/Disabilities
Approved by Council (9)- 3 years**

Term expires 07-01-2003 (Student)

Historic District**Appointed by Council (7) – 3 years**

(One member must be an architect)

(Two members recommended by Troy Historical Society)

(One member recommended by Troy Historical Commission)

Kevin Danielson (Resigned)**Unexpired Term expires 05-15-2003**

Personnel Board**Appointed by Council (5) – 3 years**

Jonathan V. Tavalin (Resigned)**Unexpired term expires 04-30-2005**

F-2 Closed Session - None Requested

F-5 2002-03 Budget Amendment No. 2

Resolution #2003-06-331

Moved by Stine

Seconded by Lambert

RESOLVED, That the 2002-2003 Budget Amendment No. 2 is hereby **APPROVED** and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-6 Amendment #3 – Lacaria Construction – Concrete Replacement Contract

Resolution #2003-06-332

Moved by Eisenbacher

Seconded by Stine

WHEREAS, A two-year contract with an option to renew for an additional two years to provide concrete pavement repair was awarded to the low bidder, Lacaria Construction, Inc. on April 8, 2002, at an estimated cost of \$553,002.50 for year 2002 and \$541,669.75 for year 2003, and if changes in the quantity of work is required either additive or deductive, such changes are authorized in an amount not to exceed 25% of the total annual cost for each year (Resolution #2002-04-208-E-11); and

WHEREAS, It is recommended that the contract be amended to include amounts over the authorized 25% for work to be completed by November 15, 2003, on Rochester Road and Northfield Parkway, and local roads in Sections 23, 24, and 15.

NOW, THEREFORE, BE IT RESOLVED, That the contract is here by **AMENDED** to provide for additional concrete pavement repair at an estimated cost of \$300,000.00.

Yes: All-7

F-7 1) Request for Authorization to Make Unconditioned Offer to Purchase Right-of-Way for Dequindre Southbound Right Turn Lane – Project #99.206.5 – Sidwell #88-20-01-476-069 – Tom Obertynski & Agatha Obertynski – 43109 Dequindre Road; 2) Request for Authorization to Institute Court Action if Necessary

1) Request for Authorization to Make Unconditioned Offer to Purchase Right-of-Way for Dequindre Southbound Right Turn Lane – Project #99.206.5 – Sidwell #88-20-01-476-069 – Tom Obertynski & Agatha Obertynski – 43109 Dequindre Road

Resolution #2003-06-333

Moved by Howrylak

Seconded by Stine

WHEREAS, In order to proceed with the southbound right turn lane and intersection improvement project at Dequindre and Square Lake Roads, it is necessary for the City to obtain the needed right-of-way.

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make an Unconditioned Offer to purchase right-of-way for Parcel #88-20-01-476-069 in the amount of \$30,000.00 plus closing costs.

Yes: All-7

2) Request for Authorization to Institute Court Action if Necessary

Resolution #2003-06-334

Moved by Beltramini

Seconded by Stine

WHEREAS, In order to proceed with the southbound right turn lane and intersection improvement project at Dequindre and Square Lake Roads, it is necessary for the City to obtain the needed right-of-way.

BE IT RESOLVED, That the City Attorney is **AUTHORIZED**, if necessary, to **INSTITUTE CONDEMNATION** litigation and to **EXECUTE AND DELIVER** any and all documents and papers, and to **EXPEND** necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express **APPROVAL** of this Council.

Yes: Lambert, Stine, Pryor, Beltramini, Broomfield

No: Howrylak, Eisenbacher

MOTION CARRIED

F-9 Sole Source – Irrigation Replacement Parts

Resolution #2003-06-335

Moved by Stine

Seconded by Eisenbacher

WHEREAS, John Deere Landscapes, Inc., the authorized dealer/distributor for Michigan, provides Rainbird irrigation replacement parts directly to the City of Troy at discounts up to 40%.

NOW, THEREFORE, BE IT RESOLVED, That a two-year contract is hereby **APPROVED** with John Deere Landscapes, Inc. to provide Rainbird irrigation replacement parts at discounts up to 40% expiring June 30, 2005.

BE IT FURTHER RESOLVED, That purchases at an estimated amount of \$7,500.00 over the approved administrative limit are hereby **CONFIRMED**.

Yes: All-7

F-10 Amendment to Chapter 106 – Designation of Acting Traffic Engineer

Resolution #2003-06-336

Moved by Stine

Seconded by Howrylak

RESOLVED, That an Ordinance Amendment to add Section 2.24 to Chapter 106 – Traffic Code is hereby **ADOPTED** as recommended by the City Attorney, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-12 Troy v. James and Amy Lewis and Flagstar Bank

Resolution #2003-06-337

Moved by Stine

Seconded by Howrylak

RESOLVED, That the Consent Judgment between the City of Troy and James B. Lewis, Amy E. Lewis and Flagstar Bank is hereby **APPROVED**, the City Attorney is **AUTHORIZED TO EXECUTE** the document, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-14 Bell v. City of Troy Arbitration

Resolution #2003-06-338

Moved by Beltramini

Seconded by Lambert

NOW, THEREFORE, BE IT RESOLVED, That the City Council for the City of Troy **APPROVES** a contribution, in the amount of \$5,000.00, towards the settlement in the Bell V. City of Troy arbitration proceeding. This amount, in addition to sums contributed by Oakland County and the architect's insurance carrier, is an acceptable settlement that will finalize this matter.

Yes: All-7

COUNCIL COMMENTS/REFERRALS

Policy Allowing Private Groups to Have Religious Displays in Front of City Hall – Proposed by Council Member Lambert – Carried Over to Regular City Council Meeting Scheduled for Monday, July 7, 2003

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- a) Personnel Board/Final – May 21, 2002
- b) Historical Commission/Final – March 25, 2003
- c) Employees' Retirement System Board of Trustees/Final – April 9, 2003
- d) Historical Commission/Final – April 22, 2003
- e) Troy Daze/Final – April 22, 2003
- f) Youth Council/Final – April 23, 2003
- g) Advisory Committee for Persons with Disabilities – May 7, 2003
- h) Planning Commission/Draft – May 13, 2003
- i) Employees' Retirement System Board of Trustees/Draft – May 14, 2003
- j) Board of Zoning Appeals/Draft – May 21, 2003
- k) Personnel Board/Draft – June 9, 2003

Noted and Filed

G-2 Department Reports:

- a) Permits Issued During the Month of May 2003
- b) Monthly Financial Report – May 31, 2003

Noted and Filed

G-3 Announcement of Public Hearing:

- a) Proposed Zoning Ordinance Text Amendment (ZOTA-126) – Article 39.70.09 – Dumpsters and Grease Containers – Scheduled for July 7, 2003

Noted and Filed

G-4 Proposed Proclamations/Resolutions from Other Organizations: None proposed.

G-5 Letters of Appreciation:

- a) Letter from Anthony Triplett – Department of Homeland Security, to Chief Craft in Appreciation to the Troy Police Department for All their Support During the Visit of President H.E. Rudolf Schuster and Madame Irena Schusterova of the Slovak Republic to the City of Troy
- b) E-mail from Greg and Susan Faubert to Chief Craft Thanking the Traffic Safety Officers for Monitoring the Speeding Problem in their Subdivision
- c) Letter from Renee Jenuwine to Chief Craft Thanking Officers Daniels, Hamzey, Bodick, LaForest and Wolf; Detective Campbell and PSA Green-Hernandez for Their Assistance in an Accident She was Involved in and the Subsequent Trial
- d) Letter from Sherman R. Cecil, Resident Agent, US Department of Justice – Drug Enforcement Administration, to Chief Craft Thanking Officer Joe Morgan and the Troy Police Department for their Assistance in a Joint Drug Related Investigation
- e) Letter from Carolyn Jamioz to Chief Craft Thanking Officers Cochran, Latka and Kowalski; for their Assistance in a Deer Incident
- f) Thank You Note from Frances Koppelman to Chief Craft Thanking Sgt. Dave Livingston for the Kindness and Courtesy Extended to Her and Her Sister While Assisting Them When Their Car Stalled

Noted and Filed

G-6 Calendar

Noted and Filed

G-8 Memorandum (Green) – Standardized Purchasing Resolutions 9, 10 and 11

Noted and Filed

G-9 Memorandum (Green) – Proposed Expansion of SMART's Dial-a-Ride Service to Include Troy and Birmingham

Noted and Filed

G-10 Memorandum (Green) – Master Plans for New Parks

Noted and Filed

G-11 Memorandum – City of Troy Website Update

Noted and Filed

PUBLIC COMMENT

The meeting adjourned at 2:41 A.M.

Matt Pryor, Mayor

Tonni L. Bartholomew, MMC
City Clerk



Memorandum

To: Mayor and City Council
 From: John Szerlag, City Manager
 John M Lamerato, Assistant City Manager/Finance and Administration
 Tonni L. Bartholomew, City Clerk
 Date: May 27, 2003
 Subject: Council Rule Confirmation

The City Clerk's Office has discovered a discrepancy between the adopted Council Rules of Procedure and the current Council Agenda format. The agenda format currently lists approval of the Consent Agenda after the first opportunity for Public Comment. Council Rules indicate placement should be prior to the first Public Comment opportunity. Following is Council Rule Number 5 as adopted:

5. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Certificates of Appreciation
6. Carryover Items
7. Public Hearings
8. Postponed Items
9. Consent Agenda
10. Public Comment
 - A. Council will suspend the Rules of Procedure to move forward all of the items on which members of the audience would like to address
 - B. Items not on the Agenda
11. Regular Business
 - Address Remaining F Items
12. Council Referrals
 - Action items brought forward by Mayor and Council
13. Council Comment
14. Reports and Communications
15. Public Comment – Limited to people who have not addressed Council during the 1st Public Comment Section
16. Adjournment

After discovery of the conflict, I researched the supporting documentation from Council Member Howrylak from 2002 when the Council Rules were amended to the current format

allowing for Public Comment. I found that Council Member Howrylak's communication indicated placement of the Consent Agenda as indicated in the adopted Rules.

It is my recommendation that this conflict be removed by one of the following mechanisms:

1. Amend current Agenda format to mirror adopted Council Rules of Procedure

or

2. Amend Council Rules of Procedure to mirror current Agenda format

I will, absent any comments from Council, amend the current Agenda format to mirror the adopted Council Rules of Procedures, effective with the June 16, 2003 Agenda.

I have attached Council Rules Number 6 and 7 for Council's convenience while reviewing this memorandum.

6. CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard.

7. VISITORS

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business items, which audience members would like to address under item 10A. The mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.

8. Postponed Items

~~9. Public Comment~~

~~A. Council will suspend the Rules of Procedure to move forward all of the itmes on which members of the audience would like to address.~~

~~B. Items not on the Agenda~~

~~9-10. Consent Agenda~~

~~10. Public Comment~~

~~A. Council will suspend the Rules of Procedure to move forward all of the items on which members of the audience would like to address~~

~~B. Items not on the Agenda~~

11. Regular Business

Address Remaining F Items

12. Council Referrals

Action items brought forward by Mayor and Council

13. Council Comment

14. Reports and Communications

15. Public Comment – Limited to people who have not addressed Council during the 1st Public Comment Section

16. Adjournment

6. REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 6, 2002. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

7. STUDY SESSIONS

The fourth (4th) Monday of each month is reserved for Study Sessions when scheduled at least ten (10) days in advance of the meeting.

8. CABLE CASTING OF CITY COUNCIL MEETINGS

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

9. MINUTES

(a) Regular Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.

(b) Closed Session Minutes: Where a a Closed Session is requested of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even

June 23, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Permanent Water Main Easement
Sidwell #88-20-34-151-016, Project No. 99.937.3
National Television Book Company

In connection with an addition to the DeAngelis Building at 209 Park Street in the Northeast ¼ of Section 34, the Real Estate and Development Department has acquired a permanent easement for water main from National Television Book Company, the owners of the property. The consideration on the document is \$1.00.

Management recommends that City Council accept the attached easement.

cc: Steve Vandette, City Engineer

PERMANENT EASEMENT

Sidwell # 88-20-34-151-016

Project # 99.937.3

Resolution #

National Television Book Company, a Michigan Corporation, Grantor, whose address is 209 Park St. Troy, MI 48083 for and in consideration of the sum of: One Dollar, (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Water Main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 24 day of July A.D. 2001.

In presence of:
WITNESS

Shelley M. Peek
Shelley M. Peek

Stephen E. LaClave
Stephen E. LaClave

STATE OF MICHIGAN
COUNTY OF Oakland

NATIONAL TELEVISION BOOK COMPANY,
A Michigan Corporation

By Andrew V. DeAngelis Pres. (L.S.)
Andrew V. DeAngelis - President

By Larry S. MacKenzie (L.S.)
Larry S. MacKenzie - Sr. Vice President/CFO

The foregoing instrument as acknowledged before me this 24 day of July, 2001, by Andrew V. DeAngelis - President & Larry S. MacKenzie - Sr. Vice President/CFO of National Television Book Company, a Michigan Corporation, on behalf of the corporation.

Shelley M. Peek
Shelley M. Peek

Notary Public, MACOMB County, Michigan

My Commission Expires May 31, 2004

(Corporations)

Prepared by:

Return to:

Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT "A"

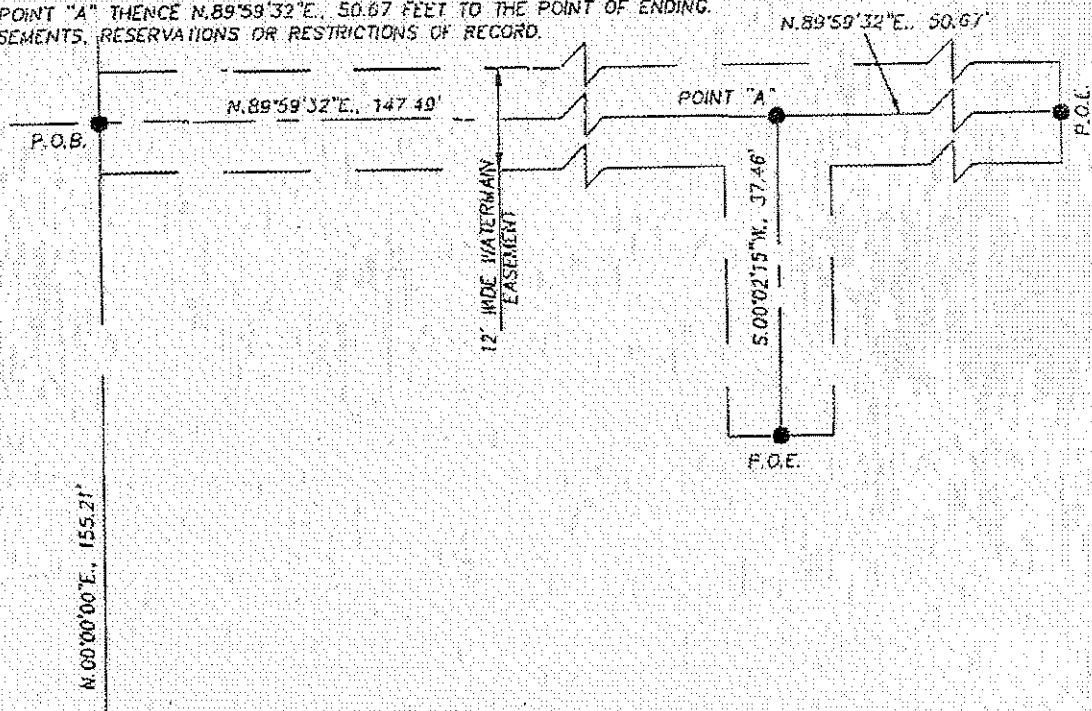
WATERMAIN EASEMENT

A 12" wide strip of land in Section 34 T.2N., R. 11E., City of Troy, Oakland County, Michigan, whose centerline is more particularly described as: commencing at the NW corner of said section 34; thence along the section line for said section 34, S.00°02'15" W., 1370.00 feet; thence N.89°59'32"E., 702.78 feet; thence N.00°00'00"E., 155.21 feet to the point of beginning; thence N.89°59'32"E., 147.49 feet to Point "A"; thence S.00°00'28"E., 37.46 feet to the point of ending. Also beginning at Point "A" thence N.89°59'32"E., 50.67 feet to the point of ending subject to any easements, reservations or restrictions of record.

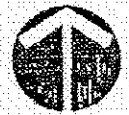
EXHIBIT "B"

WATERMAIN EASEMENT

A 12' WIDE STRIP OF LAND IN SECTION 34, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS:
 COMMENCING AT THE N.W. CORNER OF SAID SECTION 34; THENCE ALONG THE SECTION LINE FOR SAID SECTION 34, S.00°02'15"W., 1370.00 FEET; THENCE N.89°59'32"E., 702.78 FEET; THENCE N.00°00'00"E., 155.21 FEET TO THE POINT OF BEGINNING; THENCE N.89°59'32"E., 147.49 FEET TO POINT "A"; THENCE S.00°00'28"E., 37.46 FEET TO THE POINT OF ENDING.
 ALSO BEGINNING AT POINT "A" THENCE N.89°59'32"E., 50.67 FEET TO THE POINT OF ENDING.
 SUBJECT TO ANY EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.



NORTHWEST CORNER
 SECTION 34
 T. 2 N., R. 11 E.,
 CITY OF TROY
 OAKLAND COUNTY
 MICHIGAN



SCALE: 1" = 20'

June 25, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
 Gary Shripka, Assistant City Manager/Services
 Douglas Smith, Real Estate & Development Director
 Larysa Figol, Right of Way Representative

RE: Request for Acceptance of Warranty Deeds, Permanent Easements and Approval of Private Road Agreement – Sandalwood North of Troy, L.L.C. – Sidwell #88-20-03-226-045

In connection with the Sandalwood North Condominiums, located in Section 3, west of Rochester Road and south of South Boulevard, the Real Estate and Development Department has received the documents listed below. The consideration on each document is \$1.00.

<u>GRANTOR</u>	<u>TYPE OF DOCUMENT</u>
Sandalwood North of Troy, L.L.C.	Warranty Deed – road right-of-way
Sandalwood North of Troy, L.L.C.	Warranty Deed – road right-of-way
Sandalwood North of Troy, L.L.C.	Permanent Easement – water main
Sandalwood North of Troy, L.L.C.	Permanent Easement – ingress/egress
Sandalwood North of Troy, L.L.C.	Permanent Easement – sanitary sewer
Sandalwood North of Troy, L.L.C.	Private Road Agreement

In order for the developers to proceed with this project, management recommends that City Council accept the attached two warranty deeds, three permanent easements, approve the attached private road agreement, and authorize the Mayor and City Clerk to sign the Private Road Agreement.

EXHIBIT "A"

DESCRIPTION SANDALWOOD NORTH CONDOMINIUMS

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 89 DEGREES 56 MINUTES 45 SECONDS EAST 2080.80 FEET ALONG THE NORTH LINE OF SECTION 3, SAID POINT BEING SOUTH 88 DEGREES 56 MINUTES 45 SECONDS WEST 566.46 FEET FROM THE SOUTHEAST CORNER OF SECTION 34, TOWN 3 NORTH, RANGE 11 EAST; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 1036.84 FEET (RECORD SOUTH 02 DEGREES 07 MINUTES 40 SECONDS EAST 1031.48 FEET); THENCE SOUTH 89 DEGREES 03 MINUTES 37 SECONDS WEST 749.62 FEET (RECORD SOUTH 88 DEGREES 17 MINUTES 01 SECONDS WEST 750.23 FEET); THENCE NORTH 01 DEGREES 11 MINUTES 46 SECONDS WEST 258.60 FEET TO THE SOUTHEAST CORNER OF AMBERWOOD ESTATES SUBDIVISION AS RECORDED IN LIBER 230 OF PLATS, PAGES 24 THRU 27, OAKLAND COUNTY RECORDS; THENCE NORTH 01 DEGREES 14 MINUTES 28 SECONDS WEST 135.43 FEET ALONG THE EAST LINE OF AMBERWOOD ESTATES SUBDIVISION; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 520.37 FEET (RECORD NORTH 88 DEGREES 17 MINUTES 01 SECONDS EAST 522.37 FEET); THENCE NORTH 00 DEGREES 48 MINUTES 45 SECONDS WEST 642.78 FEET (RECORD NORTH 01 DEGREES 43 MINUTES 04 SECONDS WEST 630.90 FEET); THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 222.10 FEET (RECORD NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST 222.20 FEET) TO THE POINT OF BEGINNING. CONTAINING 10.08 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE

PERMANENT RIGHT OF WAY

A PERMANENT RIGHT OF WAY, BEING PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 2080.80 FEET ALONG THE NORTH LINE OF SECTION 3; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 60.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING, SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 73.22 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 28 DEGREES 04 MINUTES 21 SECONDS, A RADIUS OF 186.00 FEET, AN ARC DISTANCE OF 91.13 FEET, AND WHOSE CHORD BEARS SOUTH 12 DEGREES 40 MINUTES 39 SECONDS WEST 90.22 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 28 DEGREES 04 MINUTES 21 SECONDS, A RADIUS OF 154.00 FEET, AN ARC DISTANCE OF 75.45 FEET, AND WHOSE CHORD BEARS SOUTH 12 DEGREES 40 MINUTES 39 SECONDS WEST 74.70 FEET; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 262.06 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 23 DEGREES 04 MINUTES 26 SECONDS, A RADIUS OF 220.00 FEET, AN ARC DISTANCE OF 88.60 FEET, AND WHOSE CHORD BEARS SOUTH 12 DEGREES 53 MINUTES 45 SECONDS EAST 88.00 FEET; THENCE SOUTHERLY A CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 23 DEGREES 04 MINUTES 26 SECONDS, A RADIUS OF 280.00 FEET, AN ARC DISTANCE OF 88.60 FEET, AND WHOSE CHORD BEARS SOUTH 12 DEGREES 53 MINUTES 45 SECONDS EAST 112.00 FEET; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 318.37 FEET; THENCE SOUTH 88 DEGREES 38 MINUTES 28 SECONDS WEST 60.00 FEET; THENCE NORTH 01 DEGREES 21 MINUTES 32 SECONDS WEST 318.37 FEET; THENCE NORTHERLY ALONG A TANGENT CURVE CONCAVE TO THE WEST HAVING A CENTRAL ANGLE OF 18 DEGREES 42 MINUTES 53 SECONDS, A RADIUS

OF 220.00 FEET, AN ARC DISTANCE OF 71.86 FEET, AND WHOSE CHORD BEARS NORTH 10 DEGREES 42 MINUTES 58 SECONDS WEST 71.54 FEET; THENCE NORTH 19 DEGREES 56 MINUTES 07 SECONDS WEST 68.00 FEET; THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 12 DEGREES 33 MINUTES 58 SECONDS, A RADIUS OF 280.00 FEET, AN ARC DISTANCE OF 61.41 FEET, AND WHOSE CHORD BEARS NORTH 07 DEGREES 38 MINUTES 31 SECONDS WEST 61.29 FEET; THENCE NORTH 01 DEGREES 21 MINUTES 32 SECONDS WEST 495.82 FEET; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.54 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE.



ANDERSON, ECKSTEIN AND WESTRICK, INC.
51301 SCHOENHERR ROAD
SHELBY, TWP., MI. 48315

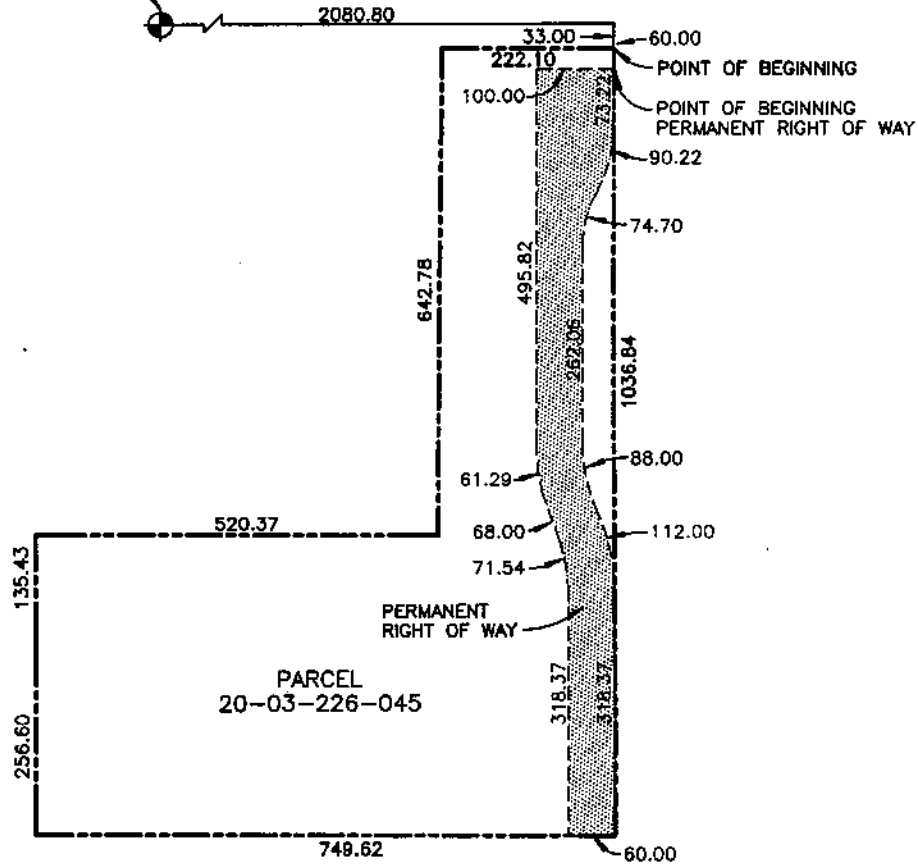
EASEMENT EXHIBIT "A"

PHONE
(810) 726-1234



NORTH QUARTER POST SECTION 3,
TOWN 2 NORTH, RANGE 11 EAST,
CITY OF TROY, OAKLAND CO., MI

SOUTH BOULEVARD



SEE ATTACHED SHEETS FOR DESCRIPTIONS

GRANTEE (TO): CITY OF TROY
ADDRESS: 500 W. BIG BEAVER
CITY, ST., & ZIP: TROY, MI 48084
TWP: CITY OF TROY SEC: 3 COUNTY: OAKLAND
DATE: 5-16-01 DRAWN BY: NAH
SHEET NO: 1 OF 3 SCALE: 1" = 200'



PARCEL I.D. NO. 20-03-226-045
GRANTOR (FROM): SANDALWOOD NORTH OF TROY, L.L.C.
ADDRESS: 46600 ROMEO PLANK ROAD, SUITE 5
CITY, ST., ZIP: MACOMB, MI 48044
AEW #: 309-048 BOOK #: _____ PLAN #: _____
EASEMENT #: ROW-PUB CONST. PLAN PAGE #: _____

WARRANTY DEED

Sidwell #88-20-03-226-045
Project #00.929.3
Resolution #

The Grantor(s), SANDALWOOD NORTH OF TROY, LLC, a Michigan Limited Liability Company whose address is 46600 Romeo Plank road, Suite 5, Macomb, MI 48044, convey(s) and warrant(s) to the City of Troy, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO & BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar and 00/100 Dollars (\$1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 11TH day of MARCH, 2003.

SANDALWOOD NORTH OF TROY, LLC
a Michigan Limited Liability Company

By: Michael A. Chirco Enterprises, LLC, a
Michigan Limited Liability Company, Member

WITNESSES:

Catherine M. Rymar
CATHERINE M. RYMAR

Barbara Klönke
BARBARA KLONKE

Michael A. Chirco
Michael A. Chirco, Member

STATE OF MICHIGAN)
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 11TH day of MARCH, 2003, by Michael A. Chirco, Member of Michael A. Chirco Enterprises, LLC, a Michigan Limited Liability Company, Member of Sandalwood North of Troy, LLC, a Michigan Limited Liability Company, on behalf of the Company.

CATHERINE M RYMAR
Notary Public, MACOMB County, MI
My Commission Expires Nov 13, 2005

Catherine M. Rymar
CATHERINE M. RYMAR

Notary Public, MACOMB County, MI

My commission expires: NOVEMBER 13, 2005

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to:	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel # _____ Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

THE NORTH 27.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 2080.80 FEET ALONG THE NORTH LINE OF SECTION 3, SAID POINT BEING SOUTH 88 DEGREES 56 MINUTES 45 SECONDS WEST 566.46 FEET FROM THE SOUTHEAST CORNER OF SECTION 34, TOWN 3 NORTH, RANGE 11 EAST; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 1036.84 FEET (RECORD SOUTH 02 DEGREES 07 MINUTES 40 SECONDS EAST 1031.48 FEET); THENCE SOUTH 89 DEGREES 03 MINUTES 37 SECONDS WEST 749.62 FEET (RECORD SOUTH 88 DEGREES 17 MINUTES 01 SECONDS WEST 750.23 FEET); THENCE NORTH 01 DEGREES 11 MINUTES 46 SECONDS WEST 256.60 FEET TO THE SOUTHEAST CORNER OF AMBERWOOD ESTATES SUBDIVISION AS RECORDED IN LIBER 230 OF PLATS, PAGES 24 THRU 27, OAKLAND COUNTY RECORDS; THENCE NORTH 01 DEGREES 14 MINUTES 28 SECONDS WEST 135.43 FEET ALONG THE EAST LINE OF AMBERWOOD ESTATES SUBDIVISION; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 520.37 FEET (RECORD NORTH 88 DEGREES 17 MINUTES 01 SECONDS EAST 522.37 FEET); THENCE NORTH 00 DEGREES 48 MINUTES 45 SECONDS WEST 642.78 FEET (RECORD NORTH 01 DEGREES 43 MINUTES 04 SECONDS WEST 630.90 FEET); THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 222.10 FEET (RECORD NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST 222.20 FEET) TO THE POINT OF BEGINNING. CONTAINING 10.08 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE.



ANDERSON, ECKSTEIN AND WESTRICK, INC.
51301 SCHOENHERR ROAD
SHELBY, TWP., MI. 48315

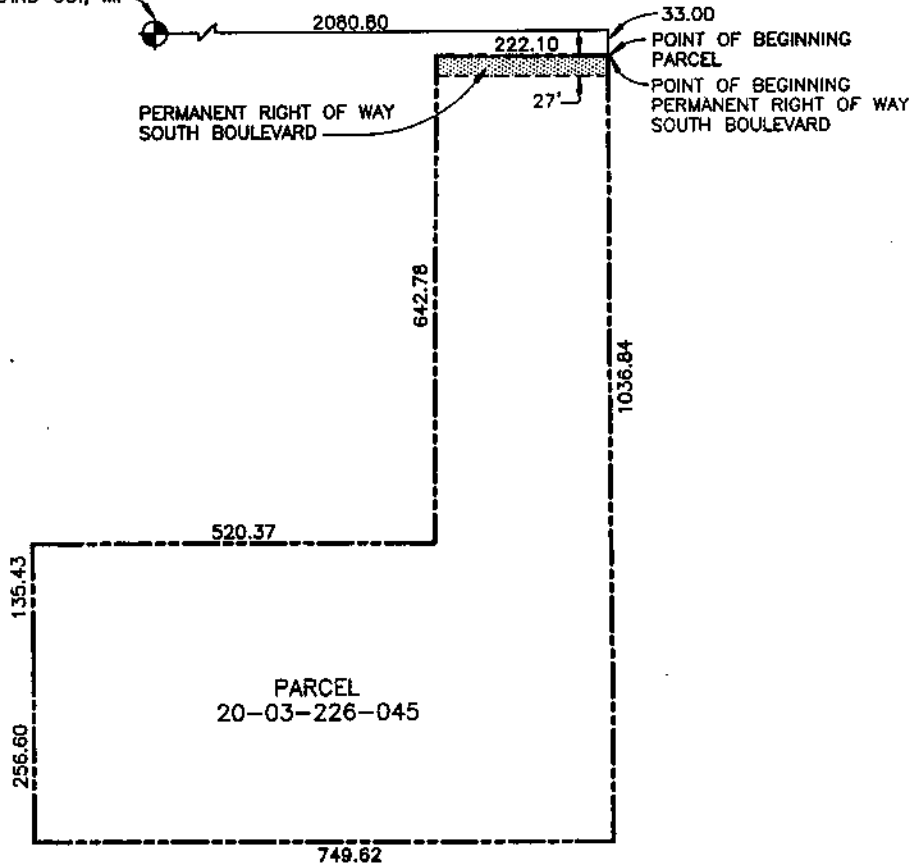
EASEMENT EXHIBIT "A"

PHONE
(810) 726-1234



NORTH QUARTER POST SECTION 3,
TOWN 2 NORTH, RANGE 11 EAST,
CITY OF TROY, OAKLAND CO., MI

SOUTH BOULEVARD



SEE ATTACHED SHEET FOR DESCRIPTION

GRANTEE (TO): CITY OF TROY
ADDRESS: 500 W. BIG BEAVER
CITY, ST., & ZIP: TROY, MI 48084
TWP: CITY OF TROY SEC: 3 COUNTY: OAKLAND
DATE: 5-16-01 DRAWN BY: NAH
SHEET NO: 1 OF 2 SCALE: 1" = 200'



PARCEL I.D. NO. 20-03-226-045
GRANTOR (FROM): SANDALWOOD NORTH OF TROY, L.L.C.
ADDRESS: 46600 ROMEO PLANK ROAD, SUITE 5
CITY, ST., ZIP: MACOMB, MI 48044
AEW #: 308-048 BOOK #: _____ PLAN #: _____
EASEMENT #: ROW-STH CONST. PLAN PAGE #: _____

PERMANENT EASEMENT

Sidwell # 88-20-03-226-045 (pt. of)
Project #00.929.3
Resolution #

The Grantor, SANDALWOOD NORTH OF TROY, LLC, a Michigan Limited Liability Corporation, whose address is 46600 Romeo Plank Road, Suite 5, Macomb, MI 48315 for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO & BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

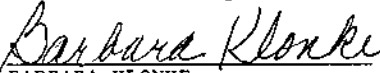
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 11TH day of MARCH A.D. 2003.

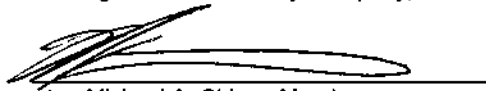
WITNESSES:


CATHERINE M. RYMAR


BARBARA KLONKE

SANDALWOOD NORTH OF TROY, LLC,
a Michigan Limited Liability Company

By: Michael A. Chirco Enterprises, LLC a
Michigan Limited Liability Company, Member


Michael A. Chirco, Member

STATE OF MICHIGAN)
COUNTY OF MACOMB)

The foregoing instrument as acknowledged before me this 11TH day of MACOMB, 2003 by Michael A. Chirco, Member of Michael A. Chirco Enterprises, LLC, a Michigan Limited Liability Company, Member, of Sandalwood North of Troy, LLC, a Michigan Limited Liability Company, on behalf of the company.

CATHERINE M RYMAR
Notary Public, MACOMB County, MI
My Commission Expires Nov 13, 2005


CATHERINE M. RYMAR

Notary Public, MACOMB County, Michigan
My Commission Expires NOVEMBER 13, 2005

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT "A"

DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 2080.80 FEET ALONG THE NORTH LINE OF SECTION 3, SAID POINT BEING SOUTH 88 DEGREES 56 MINUTES 45 SECONDS WEST 566.46 FEET FROM THE SOUTHEAST CORNER OF SECTION 34, TOWN 3 NORTH, RANGE 11 EAST; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 1036.84 FEET (RECORD SOUTH 02 DEGREES 07 MINUTES 40 SECONDS EAST 1031.48 FEET); THENCE SOUTH 89 DEGREES 03 MINUTES 37 SECONDS WEST 749.62 FEET (RECORD SOUTH 88 DEGREES 17 MINUTES 01 SECONDS WEST 750.23 FEET); THENCE NORTH 01 DEGREES 11 MINUTES 46 SECONDS WEST 256.60 FEET TO THE SOUTHEAST CORNER OF AMBERWOOD ESTATES SUBDIVISION AS RECORDED IN LIBER 230 OF PLATS, PAGES 24 THRU 27, OAKLAND COUNTY RECORDS; THENCE NORTH 01 DEGREES 14 MINUTES 28 SECONDS WEST 135.43 FEET ALONG THE EAST LINE OF AMBERWOOD ESTATES SUBDIVISION; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 520.37 FEET (RECORD NORTH 88 DEGREES 17 MINUTES 01 SECONDS EAST 522.37 FEET); THENCE NORTH 00 DEGREES 48 MINUTES 45 SECONDS WEST 642.78 FEET (RECORD NORTH 01 DEGREES 43 MINUTES 04 SECONDS WEST 630.90 FEET); THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 222.10 FEET (RECORD NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST 222.20 FEET) TO THE POINT OF BEGINNING. CONTAINING 10.08 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE

PERMANENT WATER MAIN EASEMENT

A PERMANENT WATER MAIN EASEMENT ACROSS THE ABOVE DESCRIBED PARCEL, 20.00 FEET WIDE, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 2070.80 FEET ALONG THE NORTH LINE OF SECTION 3; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 33.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED CENTERLINE; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 101.60 FEET; THENCE SOUTH 09 DEGREES 53 MINUTES 28 SECONDS WEST 64.94 FEET; THENCE SOUTH 21 DEGREES 08 MINUTES 28 SECONDS WEST 68.80 FEET; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 333.92 FEET; THENCE SOUTH 23 DEGREES 51 MINUTES 32 SECONDS EAST 16.05 FEET TO POINT "A"; THENCE CONTINUING SOUTH 23 DEGREES 51 MINUTES 32 SECONDS EAST 34.03 FEET TO POINT "B"; THENCE CONTINUING SOUTH 23 DEGREES 51 MINUTES 32 SECONDS EAST 4.42 FEET; THENCE SOUTH 12 DEGREES 36 MINUTES 32 SECONDS EAST 47.82 FEET; THENCE NORTH 77 DEGREES 23 MINUTES 28 SECONDS EAST 19.19 FEET; THENCE SOUTH 77 DEGREES 23 MINUTES 28 SECONDS WEST 19.19 FEET; THENCE SOUTH 12 DEGREES 36 MINUTES 32 SECONDS EAST 45.20 FEET; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 332.46 FEET TO THE POINT OF ENDING OF THIS DESCRIBED CENTERLINE.

ALSO, BEGINNING AT THE ABOVE DESCRIBED POINT "A"; THENCE SOUTH 63 DEGREES 42 MINUTES 07 SECONDS WEST 143.64 FEET; THENCE SOUTH 74 DEGREES 57 MINUTES 07 SECONDS WEST 56.82 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 367.22 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 41 SECONDS EAST 44.00 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 25.00 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 25.00 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 41 SECONDS EAST 190.67 FEET; THENCE SOUTH 46 DEGREES 06 MINUTES 41 SECONDS EAST 9.90 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 169.52 FEET; THENCE NORTH 43 DEGREES 53 MINUTES 19 SECONDS EAST 48.28 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 41 SECONDS WEST 207.52 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 41 SECONDS EAST 27.00 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 182.18 FEET; THENCE NORTH 74 DEGREES 57 MINUTES 07 SECONDS EAST 49.96 FEET; THENCE NORTH 63 DEGREES 42 MINUTES 07 SECONDS EAST 137.23 FEET TO THE ABOVE DESCRIBED POINT "B" AND THE POINT OF ENDING OF THIS DESCRIBED CENTERLINE.



ANDERSON, ECKSTEIN AND WESTRICK, INC.
51301 SCHOENHERR ROAD
SHELBY, TWP., MI. 48315

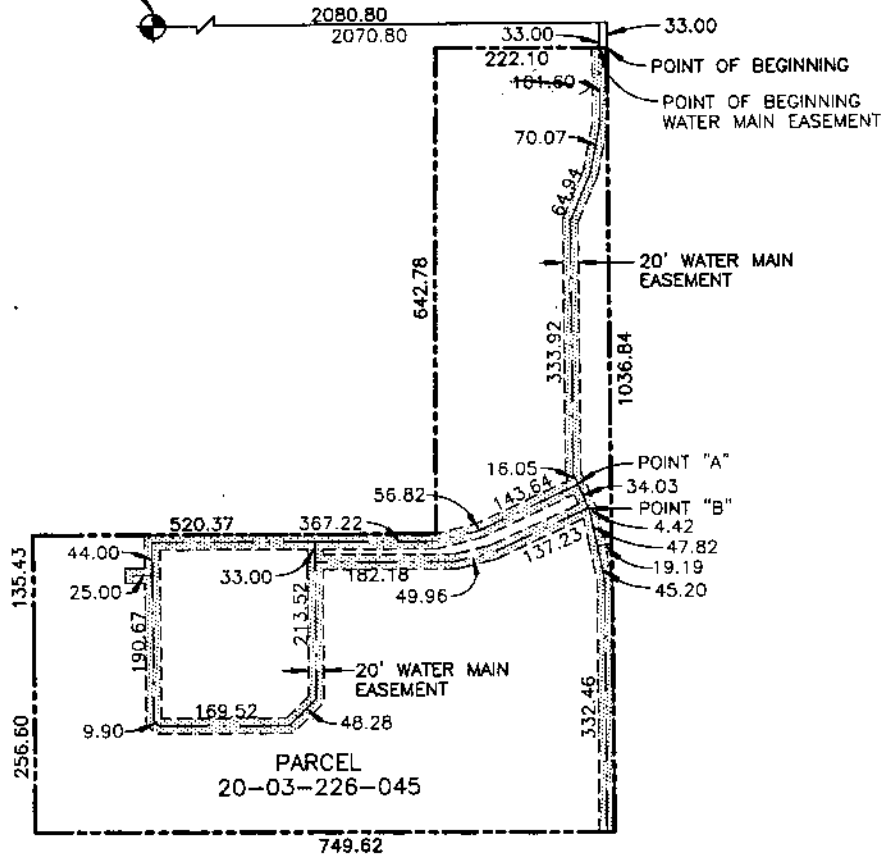
EASEMENT EXHIBIT "A"

PHONE
(810) 726-1234



NORTH QUARTER POST SECTION 3,
TOWN 2 NORTH, RANGE 11 EAST,
CITY OF TROY, OAKLAND CO., MI.

SOUTH BOULEVARD



SEE ATTACHED SHEETS FOR DESCRIPTIONS

GRANTEE (TO): CITY OF TROY
ADDRESS: 500 W. BIG BEAVER
CITY, ST., & ZIP: TROY, MI 48084
TWP: CITY OF TROY SEC: 3 COUNTY: OAKLAND
DATE: 4-04-01 DRAWN BY: NAH
SHEET NO: 1 OF 3 SCALE: 1" = 200'
REVISED 6-26-01
REVISED 3-21-02
REVISED 6-06-02

PARCEL I.D. NO. 20-03-226-045
GRANTOR (FROM): SANDALWOOD NORTH OF TROY, L.L.C.
ADDRESS: 46600 ROMEO PLANK ROAD, SUITE 5
CITY, ST., ZIP: MACOMB, MI 48044
AEW #: 309-048 BOOK #: _____ PLAN #: _____
EASEMENT #: WM-ESMT CONST. PLAN PAGE #: _____

PERMANENT EASEMENT

Sidwell #88-20-03-226-045 (pt. of)

SANDALWOOD NORTH OF TROY, L.L.C., a Michigan Limited Liability Company, Grantor(s), whose address is 46600 Romeo Plank Road, Suite 5, Macomb, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI 48083 grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities, storm drains, and storm sewers, over, under and across the real property and to traverse or use for emergency ingress/egress for police/fire protection of the real property situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A" AND BY REFERENCE MADE A PART OF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof or other reasons set out herein.

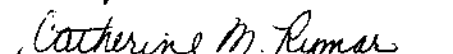
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land. The Permanent Easement shall be recorded in the office of the Oakland County Register of Deeds.

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 8TH day of APRIL, A.D. 2003.

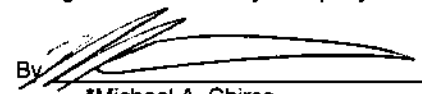
In presence of
WITNESS


STEPHEN R. NEEPER


CATHERINE M. RYMAR

SANDALWOOD NORTH OF TROY, LLC, a
Michigan Limited Liability Company

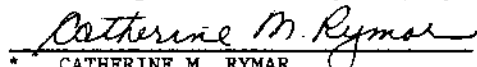
By: Michael A. Chirco Enterprises, LLC., a
Michigan Limited Liability Company

By  (L.S.)
*Michael A. Chirco
Its: Member

STATE OF MICHIGAN)
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 8TH day of APRIL, 2003 by Michael A. Chirco, Member of Michael A. Chirco Enterprises, LLC, a Michigan Limited Liability Company, Member of Sandalwood North of Troy, LLC, A Michigan Limited Liability Company, on behalf of the company.

CATHERINE M RYMAR
Notary Public, MACOMB County, MI
My Commission Expires Nov 13, 2005


* CATHERINE M. RYMAR
Notary Public, MACOMB County, Michigan

My Commission Expires NOVEMBER 13, 2005

Prepared by: Larysa Figo
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

**DESCRIPTION
SANDALWOOD NORTH CONDOMINIUMS**

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 2080.80 FEET ALONG THE NORTH LINE OF SECTION 3, SAID POINT BEING SOUTH 88 DEGREES 56 MINUTES 45 SECONDS WEST 566.46 FEET FROM THE SOUTHEAST CORNER OF SECTION 34, TOWN 3 NORTH, RANGE 11 EAST; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 1036.84 FEET (RECORD SOUTH 02 DEGREES 07 MINUTES 40 SECONDS EAST 1031.48 FEET); THENCE SOUTH 89 DEGREES 03 MINUTES 37 SECONDS WEST 749.62 FEET (RECORD SOUTH 88 DEGREES 17 MINUTES 01 SECONDS WEST 750.23 FEET); THENCE NORTH 01 DEGREES 11 MINUTES 46 SECONDS WEST 256.60 FEET TO THE SOUTHEAST CORNER OF AMBERWOOD ESTATES SUBDIVISION AS RECORDED IN LIBER 230 OF PLATS, PAGES 24 THRU 27, OAKLAND COUNTY RECORDS; THENCE NORTH 01 DEGREES 14 MINUTES 28 SECONDS WEST 135.43 FEET ALONG THE EAST LINE OF AMBERWOOD ESTATES SUBDIVISION; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 520.37 FEET (RECORD NORTH 88 DEGREES 17 MINUTES 01 SECONDS EAST 522.37 FEET); THENCE NORTH 00 DEGREES 48 MINUTES 45 SECONDS WEST 642.78 FEET (RECORD NORTH 01 DEGREES 43 MINUTES 04 SECONDS WEST 630.90 FEET); THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 222.10 FEET (RECORD NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST 222.20 FEET) TO THE POINT OF BEGINNING. CONTAINING 10.08 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE

PERMANENT INGRESS/EGRESS EASEMENT

A PERMANENT INGRESS/EGRESS EASEMENT, BEING PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 2080.80 FEET ALONG THE NORTH LINE OF SECTION 3; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 60.00 FEET; THENCE SOUTH 88 DEGREES 56 MINUTES 45 SECONDS WEST 100.00 FEET; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 495.82 FEET; THENCE SOUTHERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 12 DEGREES 33 MINUTES 58 SECONDS, A RADIUS OF 280.00 FEET, AN ARC DISTANCE OF 61.41 FEET, AND WHOSE CHORD BEARS SOUTH 07 DEGREES 38 MINUTES 31 SECONDS EAST 61.29 FEET; THENCE SOUTH 19 DEGREES 56 MINUTES 07 SECONDS EAST 18.26 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 19 DEGREES 54 MINUTES 24 SECONDS EAST 41.26 FEET; THENCE SOUTH 63 DEGREES 42 MINUTES 07 SECONDS WEST 63.74 FEET; THENCE SOUTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 25 DEGREES 11 MINUTES 11 SECONDS, A RADIUS OF 226.00 FEET, AN ARC DISTANCE OF 99.35 FEET, AND WHOSE CHORD BEARS SOUTH 76 DEGREES 17 MINUTES 43 SECONDS WEST 98.55 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 113.60 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 41 SECONDS EAST 202.67 FEET; THENCE SOUTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A RADIUS OF 46.00 FEET, AN ARC DISTANCE OF 72.26 FEET, AND WHOSE CHORD BEARS SOUTH 43 DEGREES 53 MINUTES 19 SECONDS WEST 65.05 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 215.67 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 41 SECONDS WEST 52.00 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 209.67 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 41 SECONDS WEST 196.67 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 209.67 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 41 SECONDS EAST 248.67 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 109.67 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 41 SECONDS WEST 41.00 FEET;

THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 49.67 FEET; THENCE EASTERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 24 DEGREES 54 MINUTES 04 SECONDS, A RADIUS OF 19.00 FEET, AN ARC DISTANCE OF 8.26 FEET, AND WHOSE CHORD BEARS NORTH 76 DEGREES 26 MINUTES 17 SECONDS EAST 8.19 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 41 SECONDS WEST 201.90 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 6.24 FEET; THENCE NORTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 91 DEGREES 26 MINUTES 12 SECONDS, A RADIUS OF 41.00 FEET, AN ARC DISTANCE OF 65.43 FEET, AND WHOSE CHORD BEARS NORTH 30 DEGREES 29 MINUTES 23 SECONDS EAST 58.71 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 18.00 FEET; THENCE EASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTH HAVING A CENTRAL ANGLE OF 8 DEGREES 21 MINUTES 33 SECONDS, A RADIUS OF 41.00 FEET, AN ARC DISTANCE OF 5.98 FEET, AND WHOSE CHORD BEARS SOUTH 74 DEGREES 15 MINUTES 06 SECONDS EAST 5.98 FEET THENCE EASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 21 DEGREES 02 MINUTES 22 SECONDS, A RADIUS OF 49.00 FEET, AN ARC DISTANCE OF 17.99 FEET, AND WHOSE CHORD BEARS SOUTH 80 DEGREES 35 MINUTES 30 SECONDS EAST 17.89 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST TANGENT TO SAID CURVE 348.96 FEET; THENCE EASTERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 25 DEGREES 11 MINUTES 11 SECONDS, A RADIUS OF 185.00 FEET, AN ARC DISTANCE OF 81.32 FEET, AND WHOSE CHORD BEARS NORTH 76 DEGREES 17 MINUTES 43 SECONDS EAST 80.67 FEET; THENCE NORTH 63 DEGREES 42 MINUTES 07 SECONDS EAST 68.34 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE.



PERMANENT EASEMENT

Sidwell # 88-20-03-226-045 (pt. of)
Project # 00.929.3
Resolution #

The Grantor, SANDALWOOD NORTH OF TROY, LLC, a Michigan Limited Liability Corporation, whose address is 46600 Romeo Plank Road, Suite 5, Macomb, MI 48315 for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO & BY REFERENCE MADE A PART HEREOF

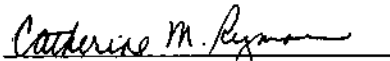

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

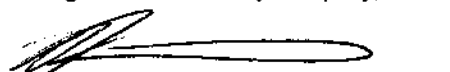
IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 11TH day of MARCH A.D. 2003.

WITNESSES:


CATHERINE M. RYMAR

BARBARA KLONKE

SANDALWOOD NORTH OF TROY, LLC,
a Michigan Limited Liability Company

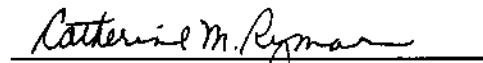
By: Michael A. Chirco Enterprises, LLC a
Michigan Limited Liability Company, Member


* Michael A. Chirco, Member

STATE OF MICHIGAN)
COUNTY OF MACOMB)

The foregoing instrument as acknowledged before me this 11TH day of MARCH, 2003 by Michael A. Chirco, Member of Michael A. Chirco Enterprises, LLC, a Michigan Limited Liability Company, Member, of Sandalwood North of Troy, LLC, a Michigan Limited Liability Company, on behalf of the company.

CATHERINE M RYMAR
Notary Public, MACOMB County, MI
My Commission Expires Nov 13, 2005


CATHERINE M. RYMAR
Notary Public, MACOMB County, Michigan
My Commission Expires NOVEMBER 13, 2005

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT "A"

DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 2080.80 FEET ALONG THE NORTH LINE OF SECTION 3, SAID POINT BEING SOUTH 88 DEGREES 56 MINUTES 45 SECONDS WEST 566.46 FEET FROM THE SOUTHEAST CORNER OF SECTION 34, TOWN 3 NORTH, RANGE 11 EAST; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 1036.84 FEET (RECORD SOUTH 02 DEGREES 07 MINUTES 40 SECONDS EAST 1031.48 FEET); THENCE SOUTH 89 DEGREES 03 MINUTES 37 SECONDS WEST 749.62 FEET (RECORD SOUTH 88 DEGREES 17 MINUTES 01 SECONDS WEST 750.23 FEET); THENCE NORTH 01 DEGREES 11 MINUTES 46 SECONDS WEST 256.60 FEET TO THE SOUTHEAST CORNER OF AMBERWOOD ESTATES SUBDIVISION AS RECORDED IN LIBER 230 OF PLATS, PAGES 24 THRU 27, OAKLAND COUNTY RECORDS; THENCE NORTH 01 DEGREES 14 MINUTES 28 SECONDS WEST 135.43 FEET ALONG THE EAST LINE OF AMBERWOOD ESTATES SUBDIVISION; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 520.37 FEET (RECORD NORTH 88 DEGREES 17 MINUTES 01 SECONDS EAST 522.37 FEET); THENCE NORTH 00 DEGREES 48 MINUTES 45 SECONDS WEST 642.78 FEET (RECORD NORTH 01 DEGREES 43 MINUTES 04 SECONDS WEST 630.90 FEET); THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 222.10 FEET (RECORD NORTH 88 DEGREES 19 MINUTES 17 SECONDS EAST 222.20 FEET) TO THE POINT OF BEGINNING. CONTAINING 10.08 ACRES, MORE OR LESS.

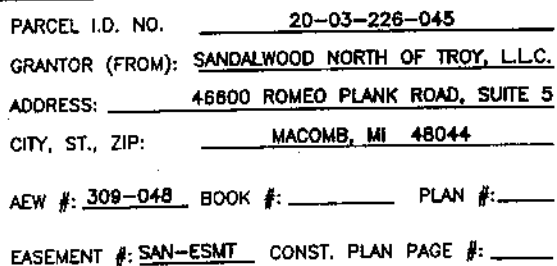
SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE

PERMANENT SANITARY SEWER EASEMENT

A PERMANENT SANITARY SEWER EASEMENT, 20.00 FEET WIDE, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SECTION 3; THENCE NORTH 88 DEGREES 56 MINUTES 45 SECONDS EAST 2080.80 FEET ALONG THE NORTH LINE OF SECTION 3; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 33.00 FEET; THENCE SOUTH 88 DEGREES 56 MINUTES 45 SECONDS WEST 222.10 FEET; THENCE SOUTH 00 DEGREES 48 MINUTES 45 SECONDS EAST 261.17 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED CENTERLINE; THENCE NORTH 88 DEGREES 38 MINUTES 28 SECONDS EAST 119.59 FEET; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 296.25 FEET; THENCE SOUTH 18 DEGREES 16 MINUTES 21 SECONDS EAST 90.42 FEET; THENCE NORTH 83 DEGREES 15 MINUTES 09 SECONDS EAST 79.04 FEET; THENCE SOUTH 83 DEGREES 15 MINUTES 09 SECONDS WEST 79.04 FEET; THENCE SOUTH 15 DEGREES 11 MINUTES 51 SECONDS EAST 57.25 FEET; THENCE SOUTH 01 DEGREES 21 MINUTES 32 SECONDS EAST 66.00 FEET; THENCE NORTH 01 DEGREES 21 MINUTES 32 SECONDS WEST 66.00 FEET; THENCE NORTH 15 DEGREES 11 MINUTES 51 SECONDS WEST 57.25 FEET; THENCE SOUTH 63 DEGREES 42 MINUTES 07 SECONDS WEST 109.21 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 163.32 FEET; THENCE SOUTH 01 DEGREES 06 MINUTES 41 SECONDS EAST 248.67 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 208.00 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 19 SECONDS EAST 208.00 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 41 SECONDS WEST 248.67 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 19 SECONDS WEST 315.67 FEET; THENCE NORTH 01 DEGREES 06 MINUTES 41 SECONDS WEST 47.00 FEET TO THE POINT OF ENDING OF THIS DESCRIBED CENTERLINE.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE.



PRIVATE ROAD AGREEMENT

This Private Road Agreement ("Agreement") made this 10th day of June, 2003, between Sandalwood North of Troy LLC, a Michigan limited liability company, hereinafter referred to as "Developer", whose post office address is 46600 Romeo Plank Road, Suite 5, Macomb, Michigan 48044, and the City of Troy, a Michigan municipal corporation ("City") whose address is 500 West Big Beaver Road, Troy, Michigan 48084.

Whereas, Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A (the "Land") which is attached to this Agreement and made a part hereof; and

Whereas, Developer intends to develop a residential condominium project within the applicable zoning ordinances of the City of Troy, with certain private streets located within the portion of the Land described on Exhibit B (the "Road Easement Area"), which is attached to this Agreement and made a part hereof, and seeks the approval of the City Council of the street system; and

Whereas the Road Easement Area is shown on the drawing attached hereto as Exhibit C and by this reference made a part hereof; and

Whereas it is recognized that the development of a private street system will result in less street area being available for public uses, and the placement of residential buildings closer to the street pavement than would occur in the case of a public street system; and

Whereas, it is recognized that the private street may include some non-standard improvements, street furniture, ect., which are not available or present in conjunction with public street systems; and

Whereas, the City is willing to approve the private street system, provided that Developer will agree that the streets will never be dedicated to the public and the City will never be required to maintain them; and

Whereas, in conjunction with approval of the subject private street system, the City must be assured, that the residences of Developer's condominium project will have street facilities which will be similar in quality to public streets.

Now Therefore, in consideration of One Dollar (\$1.00) paid by the City, Developer and City agree as follows:

1. City approves the use of a private street system to serve the proposed residential condominium development on the Land.

2. Developer agrees, on its behalf and behalf of all future owners of the Land, that the condominium association created to administer the condominium established on the Land shall always have the obligation to maintain the streets on the Land as private roads in accordance with the final approved site plan prepared by Anderson Eckstein and Westrick, Inc., dated APRIL 15, 2003, and amended through MARCH 18, 2003, being drawing # 309 - 048, and shall never request that the City accept a dedication of the streets for public use and maintenance.

3. Developer and City agree that the private street pavement shall be constructed to public street standards, or to an alternative pavement standard acceptable to the City Engineer in relation to the pavement life, durability and serviceability. The pavement construction shall be inspected by the City's Engineering staff.

4. Developer agrees to grant to the City easements for emergency access, for police and fire protection, and for the maintenance, repair or replacement of the storm water drainage system in the event the owner(s) of the Land fail to maintain the system. The cost of any such repair, replacement, or maintenance by the City shall be charged to and reimbursed by the condominium association.

5. No modification, amendment or supplement to the terms and conditions stated in the Agreement shall be effective unless in writing and signed by each of the parties.

6. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.

7. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.

8. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.

9. Developer agrees to reference this Agreement the individual deeds to subsequent purchasers and in the Master Deed that establishes the condominium on the Land.

10. Any notice required or permitted to be given to either party by the other pursuant to this

Agreement shall be deemed to be sufficient if in writing and either personally delivered, sent by facsimile, telecopier or telegram, or sent by certified or registered mail, postage prepaid to the following addresses:

To Developer:

Michael A. Chirco
Sandalwood North of Troy LLC
46600 Romeo Plank Road, Suite 5
Macomb, Michigan 48044

To City:

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084



or at such other address as either party shall designate by written notice to the other. Such notice shall be deemed given on the date when personally served or, if by facsimile, telecopier or telegram, on the day it is sent or, if by mail, on the day it is posted.

11. In the event either party hereto commences litigation against the other to enforce its rights hereunder, the prevailing party in such litigation shall be entitled to recover from the other party its reasonable attorney fees and expenses incident to such litigation (through all appeals).

12. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the successors and assigns of the parties hereto.

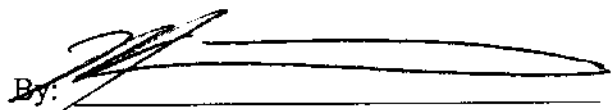
In Witness Whereof, the parties hereto have executed this Agreement as of the day and year first above written.

IN THE PRESENCE OF TWO WITNESSES:
WITNESSES:


CATHERINE M. RYMAR

STEPHEN R. KEEPER

SANDALWOOD NORTH OF TROY LLC,
a Michigan limited liability company

By: Michael A. Chirco Enterprises, LLC, a ,
Michigan limited liability company, Member


By: _____
Michael A. Chirco, Member

STATE OF MICHIGAN)
) ss.
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 10th day of June, 2003, by Michael A. Chirco, Member of Michael A. Chirco Enterprises, LLC, a Michigan limited liability company, Member of Sandalwood North of Troy LLC, a Michigan limited liability company, on behalf it.

CATHERINE M RYMAR
Notary Public, MACOMB County, MI
My Commission Expires Nov 13, 2005

Catherine M. Ryman
Notary Public
MACOMB County, Michigan
My Commission Expires: Nov. 13, 2005

WITNESSES:

CITY OF TROY

BY: _____
Its: _____

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by _____, the _____, of the City of Troy, a Michigan municipal corporation, on behalf of it.

Notary Public, _____ County, MI
My Commission Expires: _____

Drafted By:

Mark J. Abdo, Attorney at Law
42550 Garfield Road, Suite 104A
Clinton Township, Michigan 48038

When recorded return to drafter

June 25, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Douglas Smith, Real Estate & Development Director
Larysa Figol, Right of Way Representative

RE: Acceptance of Two Easements for Watermain from Doman Enterprises, L.L.C., Sidwell #88-20-34-101-026 and 190 East Maple, L.L.C., Sidwell #88-20-34-101-025.

As part of the construction of new building for Empire Electronics at 629 East Elmwood, located in Section 34, east of Livernois and on the north side of Elmwood, the Real Estate and Development Department has received two permanent easements for watermain.

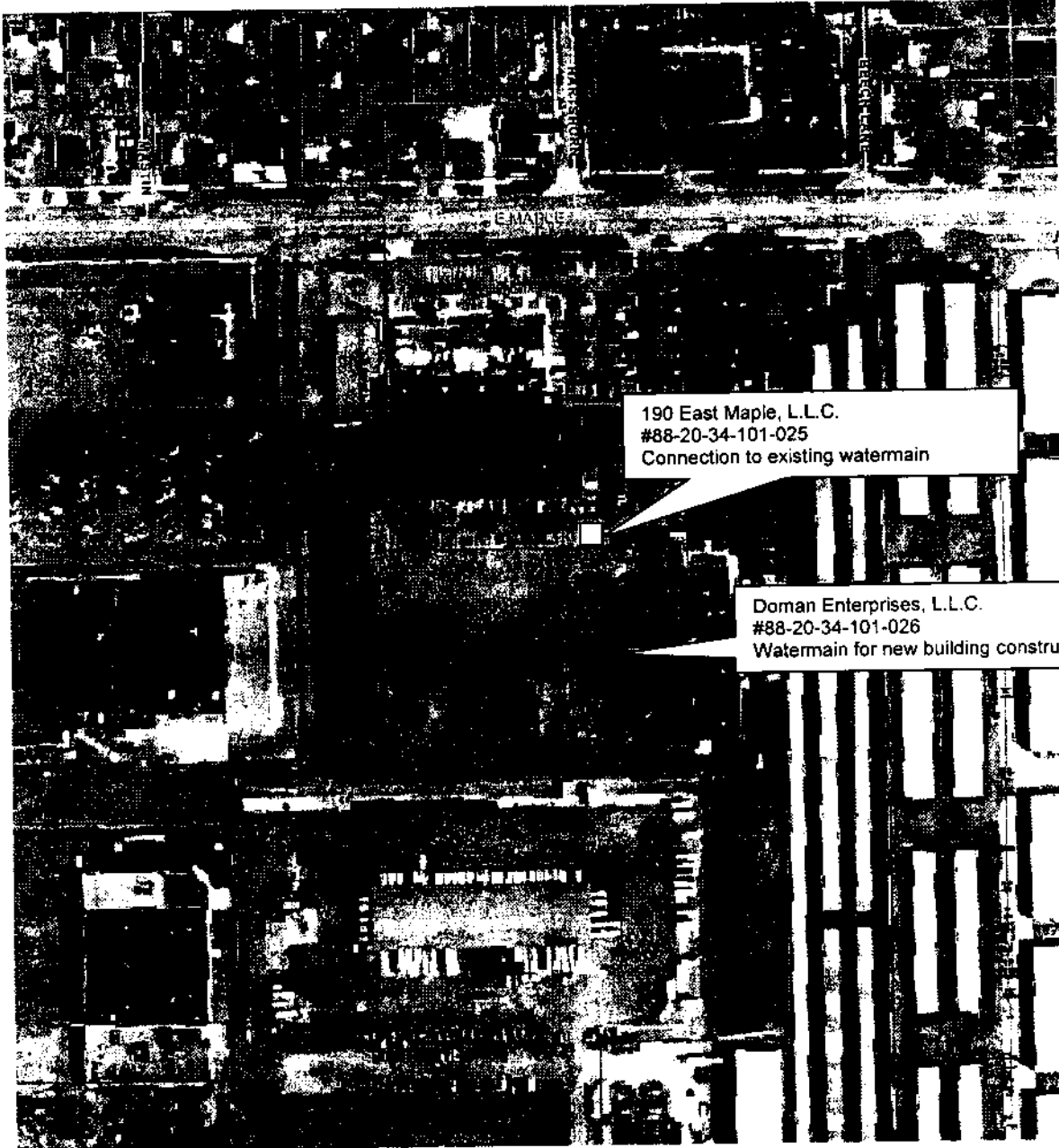
The first is from Doman Enterprises, L.L.C., owner of Empire Electronics, Sidwell #88-20-34-101-026, and the second is from 190 East Maple, L.L.C., Sidwell #88-20-34-101-025, property owner to the north from which the watermain will be connected. The consideration for each document is \$1.00.

In order for the contractor to proceed with this project, it is requested that City Council accept the two permanent easements.



190 East Maple, L.L.C.
#88-20-34-101-025
Connection to existing watermain

Doman Enterprises, L.L.C.
#88-20-34-101-026
Watermain for new building construction



190 East Maple, L.L.C.
#88-20-34-101-025
Connection to existing watermain

Doman Enterprises, L.L.C.
#88-20-34-101-026
Watermain for new building construction

PERMANENT EASEMENT

Sidwell #88-20-34-101-026 (pt of)

Doman Enterprises, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 629 East Elmwood, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 27th day of May A.D. 2003.

In presence of:
WITNESS (not required)

By Steven Doman (L.S.)
*Steven Doman
Its Owner

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 27 day of May, 2003, by Steven Doman, Owner of Doman Enterprises, L.L.C., a Michigan Limited Liability Company on behalf of the Company.

Jeanne Harrison
Notary Public, Oakland County, Michigan
My Commission Expires February 4, 2007

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

PARCEL B PROPERTY DESCRIPTION - TAX NO. 20-34-101-026

PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING DESCRIBED AS BEGINNING AT A POINT BEING N.89°59'30"E. 930.00 FEET ALONG THE NORTH LINE OF SECTION 34, AND S.00°02'15"W. 476.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 34; THENCE CONTINUING S.00°02'15"W. 329.00 FEET; THENCE N.89°59'30"E. 405.54 FEET; THENCE N.00°12'48"E. 745.00 FEET TO THE SOUTH LINE OF MAPLE ROAD; THENCE ALONG SAID SOUTH LINE, S.89°59'30"W. 43.00 FEET; THENCE S.00°12'48"W. 416.00 FEET; THENCE S.89°59'30"W. 363.55 FEET TO THE POINT OF BEGINNING. CONTAINING 3.4774 ACRES MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS OF RECORD AND TOGETHER WITH THE NON-EXCLUSIVE EASEMENT RIGHTS SET FORTH IN INSTRUMENT RECORDED MARCH 21, 1972 IN LIBER 5834, PAGE 508. ALSO BEING SUBJECT TO COMMON DRIVE, PARKING, UTILITIES, STORM SEWER, STORMWATER DETENTION AND SANITARY SEWER EASEMENTS BENEFITTING PARCEL A AND BEING TOGETHER WITH WATER MAIN AND STORM SEWER EASEMENTS OVER PARCEL A.

PROPOSED PUBLIC WATER MAIN EASEMENT DESCRIPTION

A 20 FOOT WIDE EASEMENT FOR PUBLIC WATER MAIN DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN; THENCE N.89°59'30"E. 930.00 FEET ALONG THE NORTH LINE OF SAID SECTION 34; THENCE S.00°02'15"W. 476.00 FEET; THENCE N.89°59'30"E. 82.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N.89°59'30"E. 222.35 FEET; THENCE S.00°00'30"E. 20.00 FEET; THENCE S.89°59'30"W. 222.35 FEET; THENCE N.00°00'30"W. 20.00 FEET TO THE POINT OF BEGINNING.

PREPARED FOR:

REB CONSTRUCTION SERVICES, INC.
1801 N. OPDYKE ROAD
AUBURN HILLS, MICHIGAN 48326
PHONE: 248/373-7184

JOB NO.

0270

SCALE 1"=100'

DATE 5/30/03

REVISION

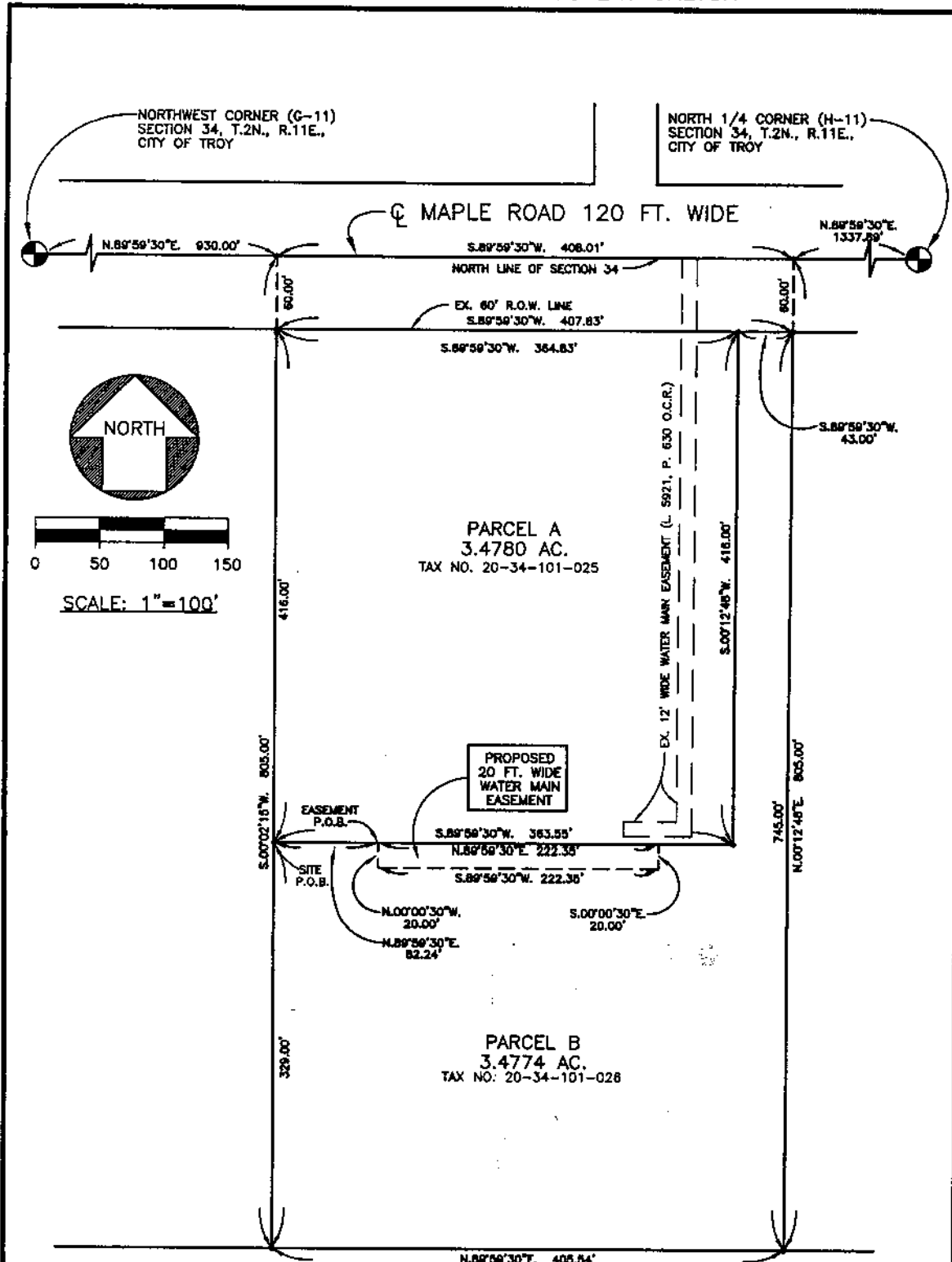
SHEET 2 OF 2

PROPOSED EASEMENT SKETCH



ENVIRONMENTAL ENGINEERS, INC.
18820 WEST TEN MILE ROAD
SOUTHFIELD, MICHIGAN 48075
PHONE: 248/424-9510

PROPOSED WATER MAIN EASEMENT SKETCH



PREPARED FOR:

REB CONSTRUCTION SERVICES, INC.
1801 N. OPDYKE ROAD
AUBURN HILLS, MICHIGAN 48326
PHONE: 248/373-7184

JOB NO.

0270

SCALE 1"=100'

DATE 5/30/03

REVISION

SHEET 1 OF 2

PROPOSED EASEMENT SKETCH



ENVIRONMENTAL ENGINEERS, INC.
18620 WEST TEN MILE ROAD
SOUTHFIELD, MICHIGAN 48075
PHONE: 248/424-8510

PERMANENT EASEMENT

Sidwell #88-20-34-101-025 (pt of)

190 EAST MAPLE, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is c/o Dietz Organization, 1025 East Maple, Suite 200, Birmingham, Michigan 48009, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed my signature(s) this 9th day of June A.D. 2003.

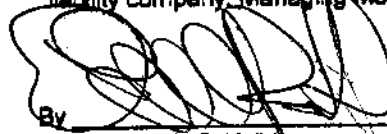
In presence of:
WITNESS (not required)

Signed by:

190 EAST MAPLE, L.L.C., a Michigan Limited Liability Company

By: Knibbe Land Company, L.L.C., a Michigan limited liability company, Sole Member

By: Knibbe Management, L.L.C., a Michigan limited liability company, Managing Member

By  (L.S.)
*Elisabeth E. Knibbe
Its Member

STATE OF MICHIGAN)
COUNTY OF Lenawee)

The foregoing instrument was acknowledged before me this 9th day of June, 2003, by Elisabeth E. Knibbe, managing member of Knibbe Management, L.L.C., a Michigan limited liability company, sole member of Knibbe Land Company, L.L.C., a Michigan limited liability company, member of 190 East Maple, L.L.C., a Michigan limited liability company, on behalf of the company.

Jennifer K. Lacy
Notary Public Lenawee County, Michigan
My Commission Expires 8-18-07

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

JENNIFER K. LACY
NOTARY PUBLIC LENAWEE CO., MI
MY COMMISSION EXPIRES Aug 18, 2007
Acting in
Wash
County

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

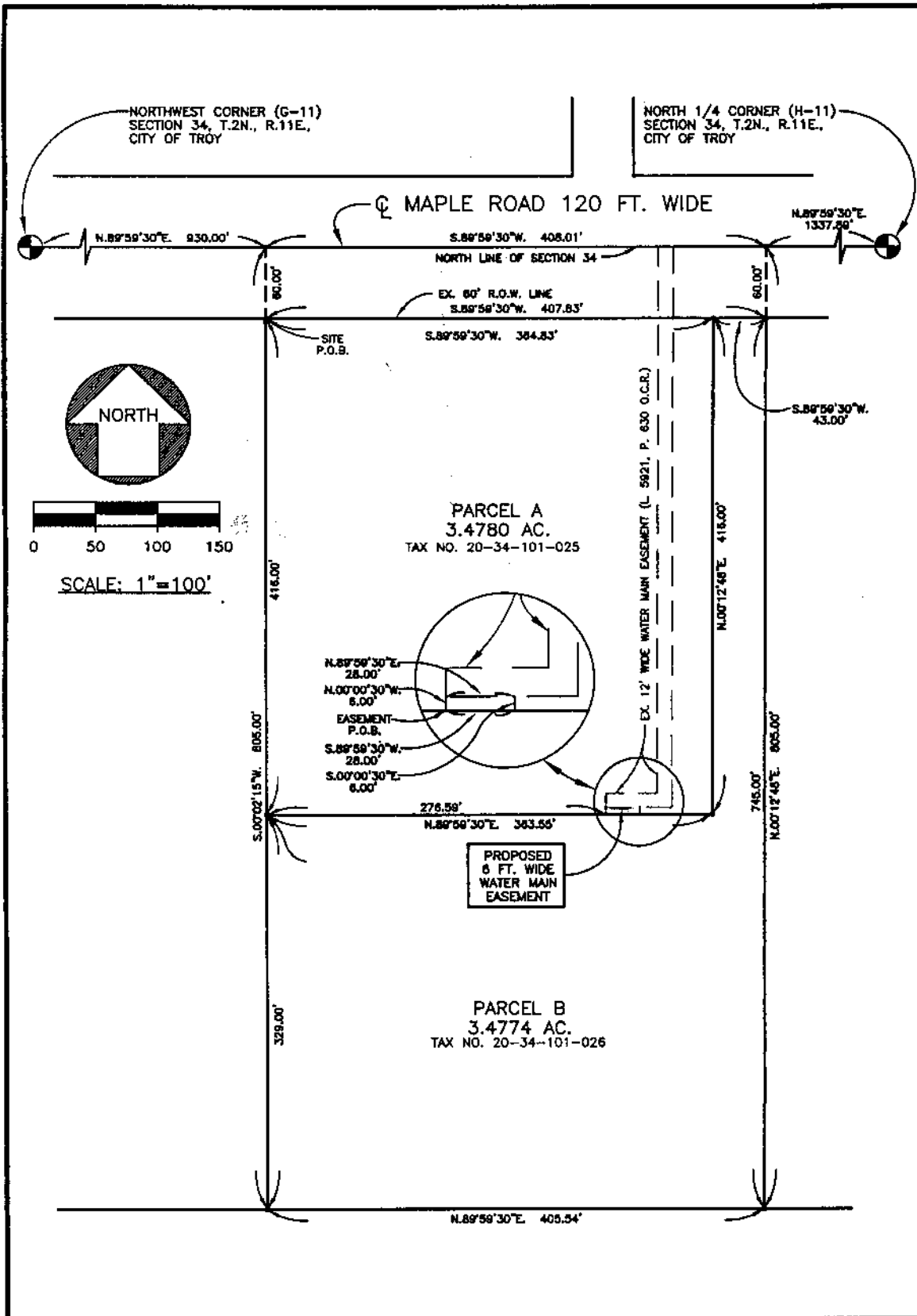
PARCEL A PROPERTY DESCRIPTION - TAX NO. 20-34-101-025

PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF MAPLE ROAD (120 FEET WIDE) SAID POINT BEING N.89°59'30"E. 930.00 FEET AND S.00°02'15"W. 60.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 34; THENCE CONTINUING S.00°02'15"W. 416.00 FEET; THENCE N.89°59'30"E. 363.55 FEET; THENCE N.00°12'48"E. 416.00 FEET TO THE SOUTH LINE OF MAPLE ROAD; THENCE ALONG SAID SOUTH LINE S.89°59'30"W. 384.83 FEET TO THE POINT OF BEGINNING. CONTAINING 3.4780 ACRES MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS OF RECORD AND BEING TOGETHER WITH THE NON-EXCLUSIVE EASEMENT RIGHTS SET FORTH IN INSTRUMENT RECORDED MARCH 21, 1972 IN LIBER 5834, PAGE 508. ALSO BEING SUBJECT TO WATER MAIN AND STORM SEWER EASEMENTS BENEFITTING PARCEL B AND BEING TOGETHER WITH COMMON DRIVE, PARKING, UTILITIES, STORM SEWER, STORMWATER DETENTION AND SANITARY SEWER EASEMENTS OVER PARCEL B.

PROPOSED PUBLIC WATER MAIN EASEMENT DESCRIPTION

A 6 FOOT WIDE EASEMENT FOR PUBLIC WATER MAIN DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN; THENCE N.89°59'30"E. 930.00 FEET ALONG THE NORTH LINE OF SAID SECTION 34; THENCE S.00°02'15"W. 476.00 FEET; THENCE N.89°59'30"E. 276.59 FEET TO THE POINT OF BEGINNING; THENCE N.00°00'30"W. 6.00 FEET; THENCE N.89°59'30"E. 28.00 FEET; THENCE S.00°00'30"E. 6.00 FEET; THENCE S.89°59'30"W. 28.00 FEET TO THE POINT OF BEGINNING.

PROPOSED WATER MAIN EASEMENT SKETCH



PREPARED FOR:

REB CONSTRUCTION SERVICES, INC.
1801 N. OPDYKE ROAD
AUBURN HILLS, MICHIGAN 48326
PHONE: 248/373-7184

JOB NO.

0270

SCALE 1"=100'

DATE 5/30/03

REVISION

SHEET 1 OF 2

PROPOSED EASEMENT SKETCH



ENVIRONMENTAL ENGINEERS, INC.
18820 WEST TEN MILE ROAD
SOUTHFIELD, MICHIGAN 48075
PHONE: 248/424-9510



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
DATE: June 25, 2003
SUBJECT: Kunjamma Antony v. City of Troy

Enclosed please find a lawsuit that was recently filed against the City of Troy by Kunjamma Antony. In her complaint, Ms. Antony alleges that she was injured at the Troy Aquatic Center on July 5, 2001. According to the complaint, she "tripped on the sidewalk as a result of a defect in the sidewalk." She is asking for damages in excess of \$25,000 to compensate her for pain, suffering, and wage loss due to a fractured right elbow, which necessitated surgery.

Ms. Antony initially filed a claim with the City of Troy on July 20, 2001. At that time, she indicated that she lost her balance and fell in the parking lot of the Aquatic Center. The assistant pool manager who rendered assistance identified the ambulance access ramp as the location of the incident.

Our office will defend the City of Troy, absent objections from City Council. If you have any questions concerning the above, please let us know.

STATE OF MICHIGAN

JUDICIAL DISTRICT

6th

JUDICIAL CIRCUIT

COUNTY PROBATE

SUMMONS AND COMPLAINT

03-050156-NO

JUDGE GENE SCHNELZ
COUNTY ANTONY, KUNJAM V TROY CITY

Court address

Courthouse Tower, 1200 N. Telegraph Road, Dept. 404, Pontiac, MI

Plaintiff name(s), address(es), and telephone no(s).

KUNJAM ANTONY
c/o ASKER, CLOS & PERLMUTER, P.C.

Defendant name(s), address(es), and telephone no(s).

CITY OF TROY

Plaintiff attorney, bar no., address, and telephone no.

KEVIN S. OLIVER (P42578)
ASKER, CLOS & PERLMUTER, P.C.
35551 Ford Road, Suite 100
Westland, MI 48185
(734) 326-2101CITY OF TROY
500 W. Big Beaver Road
Troy, MI 48084**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued

MAY 30 2003

This summons expires

MAY 20 2003

Court clerk

G. WILLIAM GADDELL

*This summons is invalid unless served on or before its expiration date.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.***Family Division Cases**

- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
City of Sterling Heights, Macomb County, MI	City of Troy, Oakland County, MI
Place where action arose or business conducted	
City of Troy, Oakland County, MI	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

5/30/03

Date

Signature of attorney/plaintiff KEVIN S. OLIVER (P42578)

If you require special accommodations to use the court because of disabilities, contact the court immediately to make arrangements.



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF

JUDGE GENE SCHNELZ
COUNTY: ANTONY, KUNJAM V TROY CITY

Kunjamma Antony,

03 MAY 30 P4:11

Plaintiff,

v.

Case No. 03 -
Hon.

NO

City of Troy,

Defendant.

KEVIN S. OLIVER (P42578)
 SHANNON L. WIRTH (P58822)
 ASKER, CLOS & PERLMUTER, P.C.
 Attorneys for Plaintiff
 35551 Ford Road, Suite 100
 Westland, MI 48185
 (734)326-2101

There is no other pending or resolved civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint.

PLAINTIFF'S COMPLAINT

Plaintiff, **Kunjamma Antony**, by her attorneys, **Asker, Clos & Perlmutter, P.C.**, and for her Complaint against the above-named Defendant states as follows:

Jurisdiction and Venue

1. Plaintiff Kunjamma Antony ("Plaintiff") is a resident of the City of Sterling Heights, County of Macomb, State of Michigan.
2. Defendant City of Troy ("Defendant") is in the County of Oakland, State of Michigan.
3. On or about July 5, 2001, Plaintiff was an invitee lawfully on Defendant's premises at the Troy Aquatic Center in Troy, Michigan.

LAW OFFICES
 ASKER, CLOS &
 PERLMUTER, P.C.

35551 FORD RD
 SUITE 100
 WESTLAND, MI 48185
 (734) 326-2101
 (734) 595-9771

4. On the above referenced date, Plaintiff was on her way into Defendant's establishment when she tripped on the sidewalk as a result of a defect in the sidewalk.
5. This action is being filed pursuant to the Sidewalk Exception of the Governmental Immunity Act of Michigan.
6. The amount in controversy exceeds Twenty-Five Thousand (\$25,000.00) Dollars and is otherwise within the jurisdiction of this Court.

COUNT I - NEGLIGENCE

7. Plaintiff reasserts and realleges each and every allegation contained in paragraphs 1 through 6 of this Complaint as if set forth fully herein.
8. On or about July 5, 2001, Plaintiff was an invitee lawfully on the Defendant's premises.
9. Defendant owed a duty to the general public and more particularly to Plaintiff to:
 - A. Exercise reasonable care for the protection of invitees, including Plaintiff, from unreasonable risks of injury that were known to Defendant or should have been known, in the exercise of reasonable care;
 - B. To warn Plaintiff and other similarly situated persons of dangers which Defendant knew, should have known, or had created;
 - C. To inspect the premises so as to discover possible dangerous conditions;
 - D. To take reasonable precautions to protect Plaintiff and others similarly situated from foreseeable dangers; and
 - E. To maintain its premises, in a reasonably safe condition.
10. Defendant, by and through its employees and/or agents, breached said duties to Plaintiff and was negligent in the following manners:
 - A. Failing to exercise reasonable care for the protection of invitees;
 - B. Failing to warn invitees of dangers of which Defendant knew or had created;

LAW OFFICES
ASKER, CLOS &
PERLMUTER, P.C.

35551 FORD RD
SUITE 100
WESTLAND, MI 48185
(734) 326-2101
(734) 595-9771

- C. Failing to inspect its premises;
- D. Failing to ensure safe and proper lighting on its premises;
- E. Failing to protect Plaintiff from foreseeable dangers; and
- F. Failing to take other action which will become known through further discovery.

11. Each of the above-mentioned omissions constitute negligence and were a proximate cause of injuries to Plaintiff.
12. At the happening of said incident, Plaintiff was not guilty of comparative negligence.
13. As a direct and proximate result of the Defendant's breach of said duties, Plaintiff sustained severe and grievous injuries, the full extent of which are not presently known, including, but not limited to: Injury to right elbow necessitating open reduction surgery along with the involvement of the surrounding muscles, tendons, ligaments and nerves causing pain, disfigurement, anxiety, mental anguish and the loss of the normal enjoyments of life.
14. Prior to said incident, Plaintiff was a reasonably strong and healthy person and as a direct and proximate result of the aforementioned incident and injuries resulting therefrom, Plaintiff became sore, lame, and suffered pain, discomfort, disfigurement, humiliation, embarrassment, emotional distress, inconvenience and a loss of the normal enjoyments of life.
15. As a further direct and proximate result of Defendant's negligence, Plaintiff was required to undergo surgery and extensive medical care and treatment, including hospitalization in an attempt to effectuate a cure for the injuries sustained.
16. As a further direct and proximate result of Defendant's negligence as herein before alleged, Plaintiff was required to spend various sums of money and incur various monetary obligations. The monies expended and the obligations incurred were for doctors, hospitals, medical services, appliances, medicinal substances and other things, in an attempt to effectuate a cure for the injuries sustained.

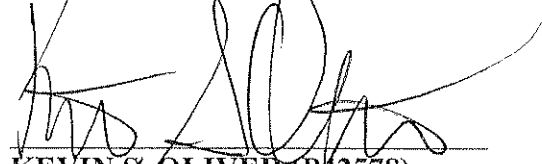
LAW OFFICES
ASKER, CLOS &
PERLMUTER, P.C.

35551 FORD RD
SUITE 100
WESTLAND, MI 48185
(734) 326-2101
(734) 595-9771

WHEREFORE, Plaintiff demands judgment against Defendant in whatever amount Plaintiff is found to be entitled to, together with costs, interest, and reasonable attorney fees.

Respectfully submitted,

ASKER, CLOS & PERLMUTER, P.C.



KEVIN S. OLIVER (P42578)

SHANNON L. WIRTH (P58822)

Attorneys for Plaintiff

35551 Ford Road, Suite 100

Westland, MI 48185

(734)326-2101

Dated: May 29, 2003

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LAW OFFICES
ASKER, CLOS &
PERLMUTER, P.C.

35551 FORD RD
SUITE 100
WESTLAND, MI 48185
(734) 326-2101
(734) 595-9771

June 27, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Douglas Smith, Real Estate & Development Director
Larysa Figol, Right of Way Representative

RE: Request for Acceptance of Two Permanent Easements from Tutor Time Construction, L.L.C., Sidwell #88-20-20-476-022 & 023

In connection with the construction of a day care center, located in Section 20 at the southeast corner of Crooks and Banmoor, the Real Estate & Development department has received two permanent easements for watermain and sidewalk signed by Tutor Time Construction, owners of the properties having Sidwell #88-20-476-022 & 023. The consideration for each document is \$1.00.

In order for this project to proceed, Management recommends the City Council accept the attached easements.

PERMANENT EASEMENT

Sidwell #88-20-20-476-022 & 023 (pt of)

Tutor Time Construction, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 30078 Schoenherr Road, Suite 300, Warren, MI 48093 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF


and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

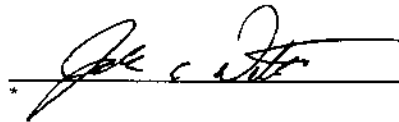
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 27TH day of JUNE A.D. 2003.

In presence of:
WITNESS (not required)



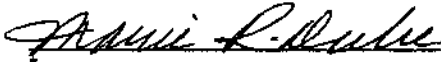
By  (L.S.)
*Lorenzo J. Cavaliere
Its Managing Member



STATE OF MICHIGAN)
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 27TH day of JUNE 2003, by Lorenzo J. Cavaliere, Managing Member on behalf of Tutor Time Construction, L.L.C., a Michigan Limited Liability Company.

MARIE R. DUBE
Notary Public, Macomb County, MI
My Commission Expires Apr. 4, 2007


Notary Public, MACOMB County, Michigan
My Commission Expires 4-4-07

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

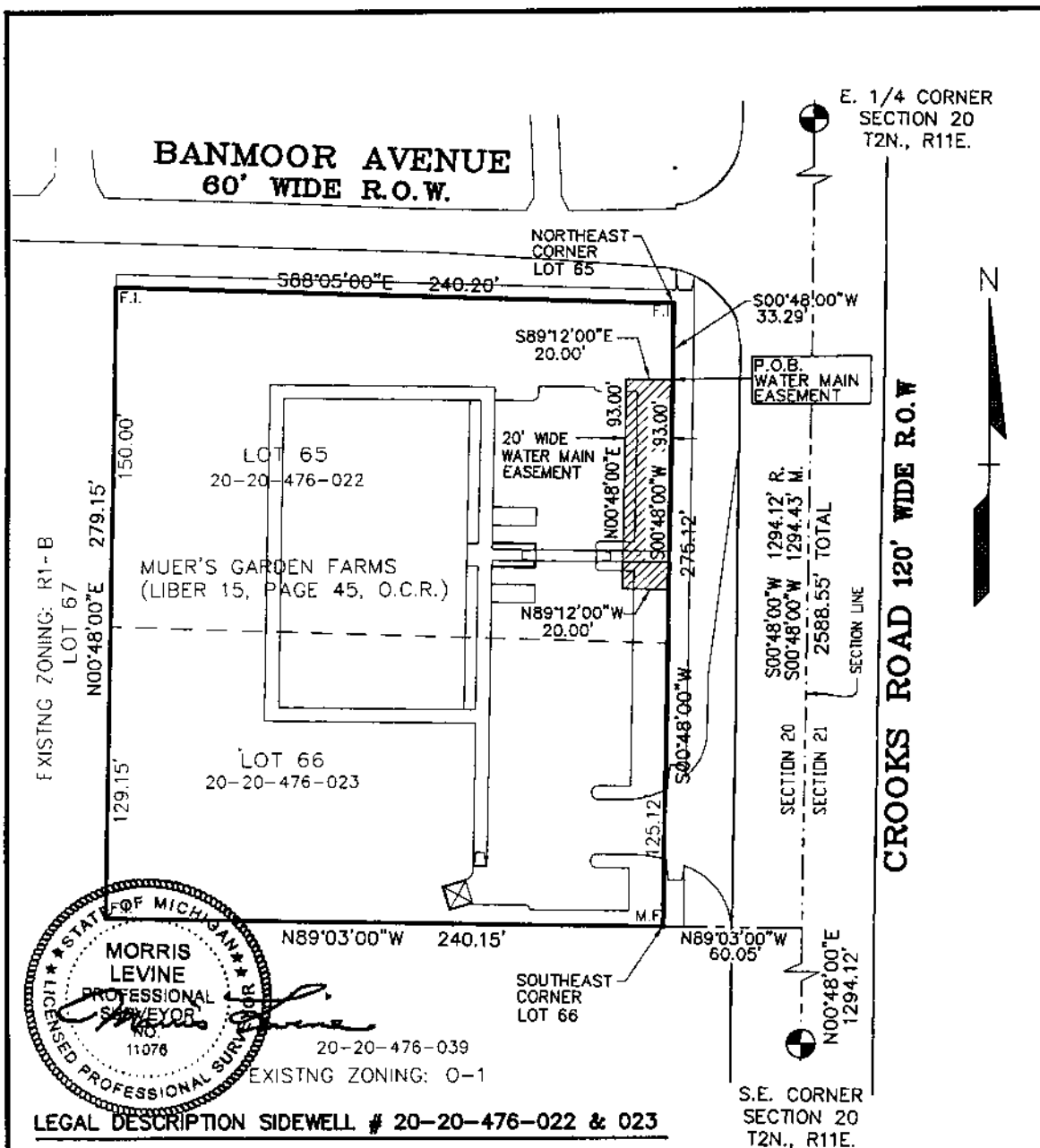
EXHIBIT "A"

LEGAL DESCRIPTION SIDEWELL # 20-20-476-022 & 023

Land in the City of Troy, Oakland County, Michigan, described as:
Lot 65 & 66 of Muer's Garden Farms Subdivision of part of the S.E. 1/4 of Sec. 20,
T2N., R11E., City of Troy, Oakland County, Michigan. Recorded in Liber 15, Page 45 of
plats, Oakland County Records.

LEGAL DESCRIPTION WATER MAIN EASEMENT

A 20.00' wide easement at the East side of Lot 65 of "Muer's Garden Farms", City of
Troy, Oakland County, Michigan (L.15, P.45), being described as follows: Commencing at
the Northeast corner of Lot 65; thence along the East line of said lot, S.00°48'00"W.
33.29 feet to the point of beginning; thence continuing along said line, S.00°48'00"W.
93.00 feet; thence N.89°12'00"W. 20.00 feet; thence N.00°48'00"E. 93.00 feet; thence
S.89°12'00"E. 20.00 feet to the point of beginning.



Land in the City of Troy, Oakland County, Michigan, described as:
 Lot 65 & 66 of Muer's Garden Farms Subdivision of part of the S.E. 1/4 of Sec. 20,
 T2N., R11E., City of Troy, Oakland County, Michigan. Recorded in Liber 15, Page 45 of
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WATER MAIN EASEMENT

Plan for: **BOULDER CONSTRUCTION**

30078 SCHOENHERR, SUITE 300, WARREN, MICHIGAN 48088



Exhibit "A"

**SCHOOLHOUSE
MONTESSORI**

Job Number:
160

Scale:
1" = 60'

Date:
04-23-03

Drawn By:
S.M.L.

**BOULDER DESIGN
SERVICES, L.L.C.**

30078 Schoenherr Rd. Suite 300
Warren, MI 48088
Ph. (810) 563-1500
Fax (810) 563-1200
e-mail bouldercon.com

PERMANENT EASEMENT

Sidwell #88-20-20-476-022 (pt of)

Tutor Time Construction, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 30078 Schoenherr Road, Suite 300, Warren, MI 48093 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

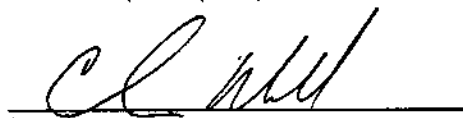
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

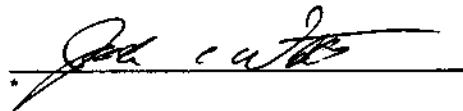
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 27TH day of JUNE, A.D. 2003.

In presence of:
WITNESS (not required)




By  (L.S.)
*Lorenzo J. Cavaliere
Its Managing Member



STATE OF MICHIGAN)
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 27TH day of JUNE 2003, by Lorenzo J. Cavaliere, Managing Member on behalf of Tutor Time Construction, L.L.C., a Michigan Limited Liability Company.

MARIE R. DUBE
Notary Public, Macomb County, MI
My Commission Expires Apr. 4, 2007


Notary Public, MACOMB County, Michigan
My Commission Expires 4-4-07

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

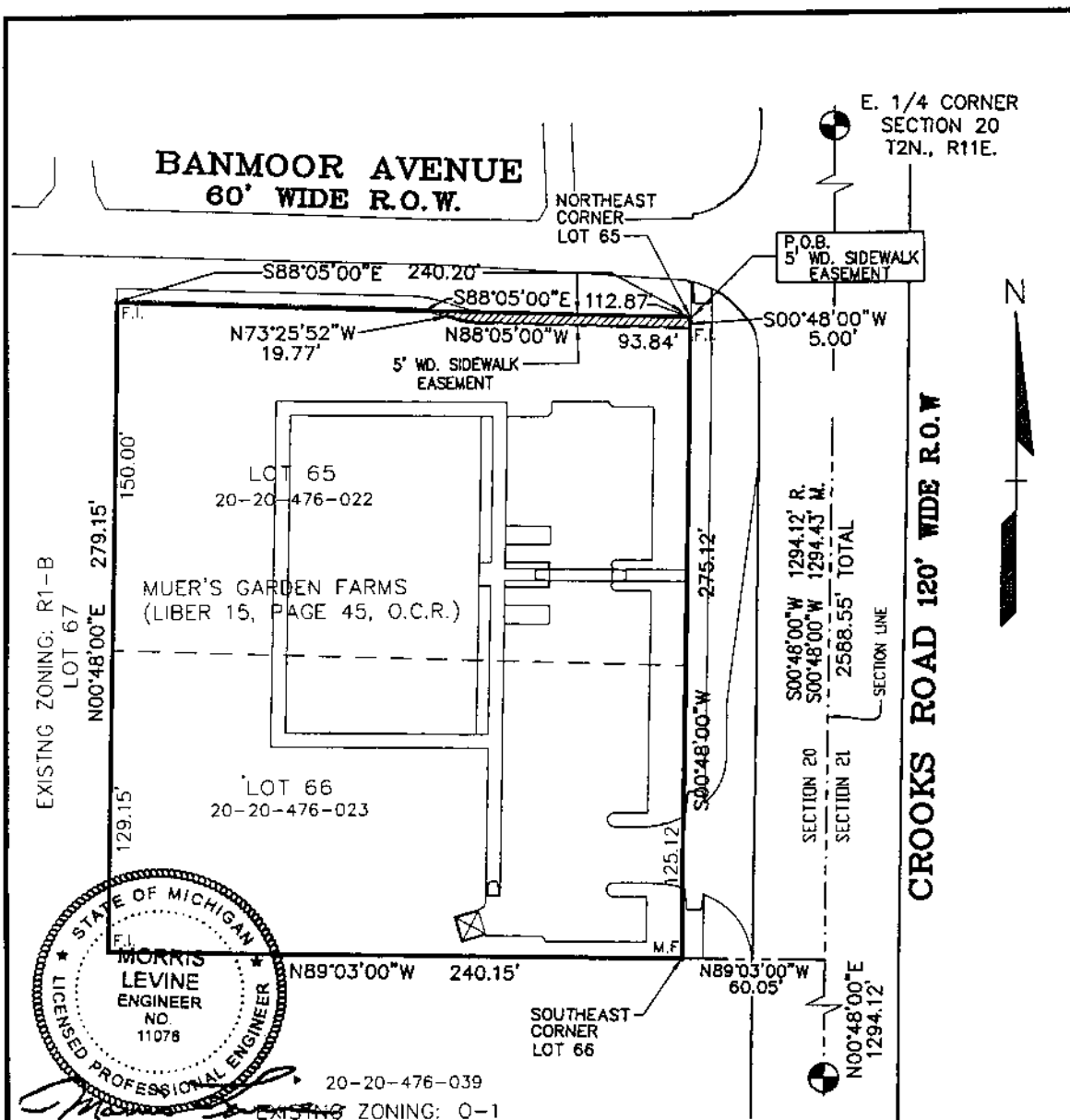
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Lot 65 & 66 of Muer's Garden Farms Subdivision of part of the S.E. 1/4 of Sec. 20,
T2N., R11E., City of Troy, Oakland County, Michigan. Recorded in Liber 15, Page 45 of
plats, Oakland County Records.

LEGAL DESCRIPTION SIDEWALK EASEMENT

A 5.00' wide easement for sidewalk located at the Northeast corner of Lot 65 of "Muer's
Garden Farms", City of Troy, Oakland County, Michigan (L.15, P.45), being described as
follows: Commencing at the Northeast corner of said Lot 65; thence along the East line
of said lot, S.00°48'00"W. 5.00 feet; thence N.88°05'00"W. 93.84 feet; thence N.73°25'52"W.
19.77 feet; thence S.88°05'00"E. 112.87 feet to the point of beginning.



LEGAL DESCRIPTION SIDEWELL # 20-20-476-022 & 023

Land in the City of Troy, Oakland County, Michigan, described as:
Lot 65 & 66 of Muer's Garden Farms Subdivision of part of the S.E. 1/4 of Sec. 20, T2N., R11E., City of Troy, Oakland County, Michigan. Recorded in Liber 15, Page 45 of plats, Oakland County Records.

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SIDEWALK EASMENT

Plan for: **BOULDER CONSTRUCTION**

30078 SCHOENHERR, SUITE 300, WARREN, MICHIGAN 48088



Exhibit "A"

**SCHOOLHOUSE
MONTESSORI**

Job Number:
160

Scale:
1" = 60'

Date:
6-26-03

Drawn By:
M.P.S.

**BOULDER DESIGN
SERVICES, L.L.C.**

30078 Schoenherr Rd. Suite 300
Warren, MI 48088
Ph. (810) 563-1500
Fax (810) 563-1200
e-mail bouldercon.com

June 27, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Approval to Pay Business Relocation Claim
Advantage Investors Mortgage
O'Riley Building Tenant - 2780 Rochester Road

In compliance with Michigan Laws and Federal Guidelines, businesses displaced by a public project are entitled to Relocation Benefits that include payments for actual reasonable moving costs, actual reasonable expenses to reestablish the business, and payment for actual reasonable expenses to search for a replacement property. The laws provide that the owner may choose instead to receive an "in lieu of" or "fixed payment" based on income. A fixed payment is equal to the business's average annual net earnings for the two years prior to displacement with a maximum payment amount of \$20,000.

Attached is a copy of a "Relocation Claim" for a fixed payment based on income filed by Advantage Investors Mortgage, one of the businesses that is being displaced from 2780 Rochester Road. We have verified that the average net earnings for the years 2001 and 2002 exceeded \$20,000. They are currently negotiating a lease for office space at another location here in Troy.

Therefore, the Real Estate & Development Department requests approval to pay the attached claim in the amount of \$20,000 (the maximum allowed) to Advantage Investors Mortgage. This payment will be made in lieu of payment for moving and other related relocation benefits. The funds will come from the Downtown Development Authority (DDA) budget for land acquisition.

Att.

RELOCATION CLAIM BUSINESS/NON-PROFIT/FARM

Michigan Department
of Transportation
MDOT A677 (12/95)

Information required by Act 31, P.A. 1970 as amended, and Act 277
P.A. of 1972, to process payment.

CLAIMANT'S NAME: John Spence, Advantage Investors Mortgage

MAILING ADDRESS:

ACQUIRED PROPERTY
ADDRESS AND
PHONE:

2780 Rochester Road
Troy, MI 48063
(248) 689-8845

REPLACEMENT PROPERTY
ADDRESS AND
PHONE:

575 E. BIG BEAVER

CONTROLLING DATES

Date of first written offer: May 7, 2003

Date of final acquisition payment:

Date of move:

Date move verified:

Claim must be filed by 18 months after date of move or final payment, whichever is later.

Date:

Listed below are relocation payments claimed in accordance with Act 31, PA 1970 as amended. For further information, please refer to the booklet "Your Rights and Benefits When Displaced by a Transportation Project".

☐ Owner

☒ Tenant

☐ Business

☐ Farm

☐ Non-profit

☐ Landlord

☐ Government

Moving Expenses

Reestablishment Expenses

Fixed Payment ("In Lieu Of")

20,000.00

AMOUNT DUE: \$ 20,000.00

I/We agree payment will be sent to:

3453 MORRIS BRIGHTON, MI 48114 OR 2780 ROCHESTER ROAD, TROY

I/We Certify that:

1. All information submitted is true and correct.
2. I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
3. I/We have vacated or will vacate the state acquired property.
4. I/We am/are a legal resident of the United States

Claimant's Signature

Date

Claimant's Signature

Date

I Certify that I have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal Laws and the operating procedures of the Michigan Department of Transportation.

RECOMMENDED BY:

Patricia A. Pettit

DATE:

6/27/03

APPROVED BY:

DATE:

Remarks:

CONTROL SECTION

27-277-017

PARCEL

FED ITEM NUMBER

NAME John Spence

Advantage Investors Mortgage

FED PROJ NUMBER

June 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Douglas Smith, Real Estate & Development Director
Larysa Figol, Right of Way Representative

RE: Request for Acceptance of Permanent Easement for Sanitary
Sewer and Approval to Pay Consideration – Dequindre Sewer
Project No. 02.406.5 - Lloyd and Melody Peach, Sidwell #88-20-13-
281-005

In connection with the installation of a sewer to the property at 40345 Dequindre, located in Section 13, north of Hill Street, the Real Estate and Development Department reached an agreement for sanitary sewer easement with Lloyd and Melody Peach, owners of property having Sidwell #88-20-13-281-005.

Based on an appraisal prepared by Andrew Reed and Associates, Inc., and a review performed by Kimberly Harper, Deputy City Assessor, Management believes that appraised value of \$4,900.00 is justified for this easement.

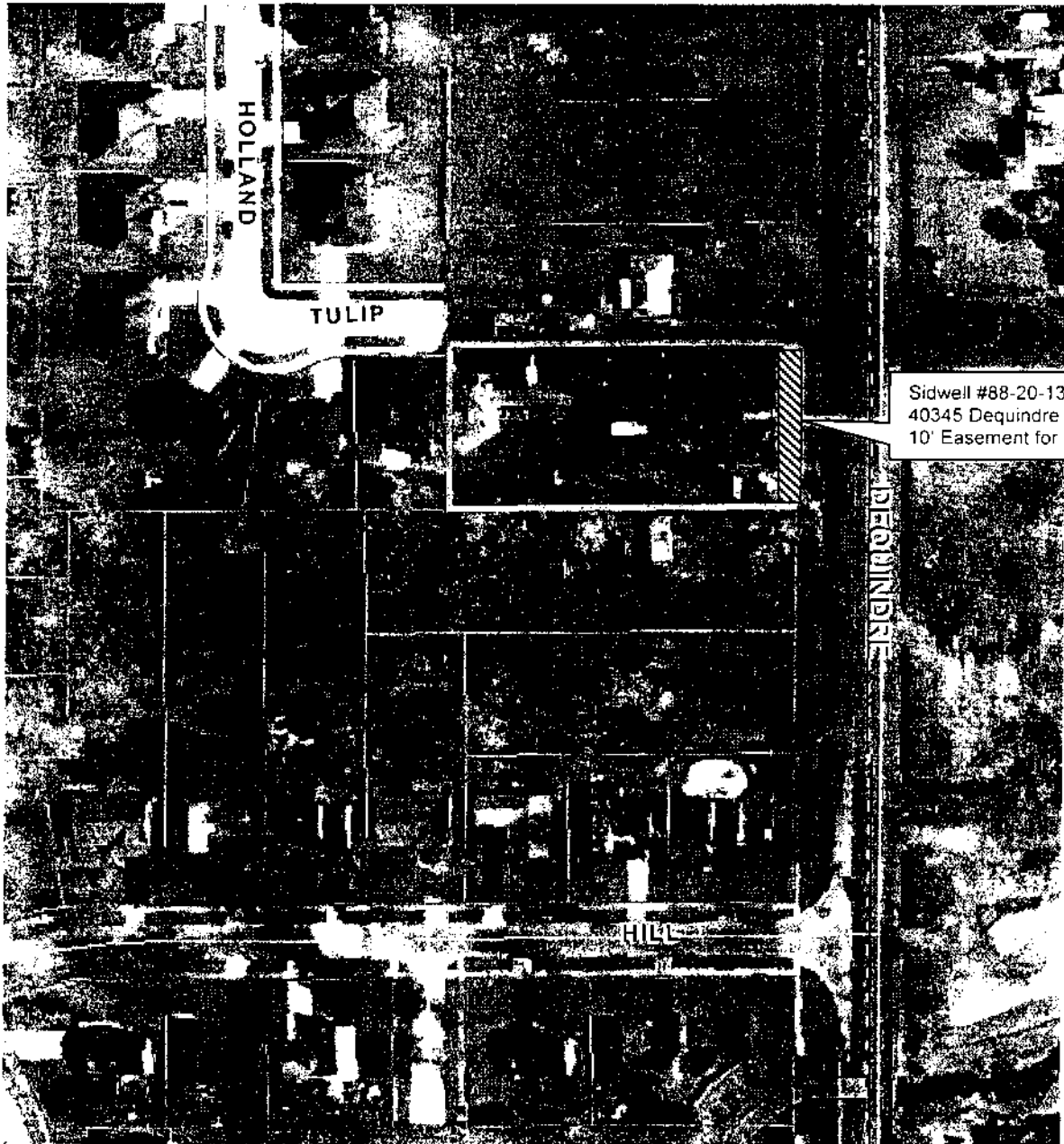
It is the intention of the City to bring sewer service to properties along Dequindre Road, between Wattles and Long Lake, who are currently serviced by septic fields. It is anticipated that sewer installations will be completed prior to the widening of Dequindre Road.

Under current regulation, property owners are required to hook up to sanitary sewer within 18 months of the installation of the sewer if a residential structure is within 200 feet of the sewer main. Staff has fully informed the property owners of this regulation and all fees.

Management recommends that City Council accept the attached permanent easement for sanitary sewer and authorize a payment of \$4,900.00. Funding for the easements will come from the Water and Sewer Fund.



Sidwell #88-20-13-281-005
40345 Dequindre
10' Easement for Sanitary Sewer



Sidwell #88-20-13-281-005
40345 Dequindre
10' Easement for Sanitary Sewer

PERMANENT EASEMENT

Sidwell #88-20-13-281-005
Project #02.202.5
Resolution #

Lloyd D. Peach, Sr. and Melody D. Peach, husband and wife, whose address is 40345 Dequindre, Troy, MI 48085 for and in consideration of the sum of: Four Thousand and Nine Hundred and no/100 Dollar (\$4,900.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

Part of the East ½ of the East ½ of the Northeast ¼ of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows:

The East 15.00 feet of the following described parcel:

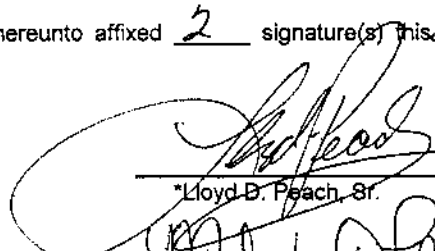
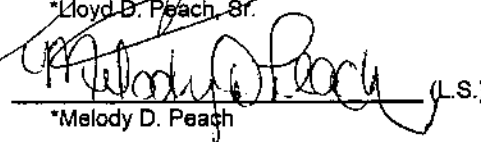
The South 132.26 feet of the North 1784.08 feet of the East ½ of the East ½ of the Northeast ¼ of said Section 13, except the East 60.00 feet taken for Dequindre Road. Also except that part platted into "Holland Hills Sub.", as recorded in Liber 265, Pages 6-9 of Oakland County, Michigan records. Containing 1,984 Square Feet or 0.046 Acres more or less.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

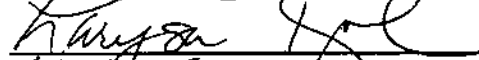
IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 24th day of June A.D. 2003.

In presence of : (not required)


_____(L.S.)
*Lloyd D. Peach, Sr.

_____(L.S.)
*Melody D. Peach

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 24th day of June, 2003, by Lloyd D. Peach, Sr. and Melody D. Peach, husband and wife


*LARYSA FIGOL
Notary Public, OAKLAND County, Michigan

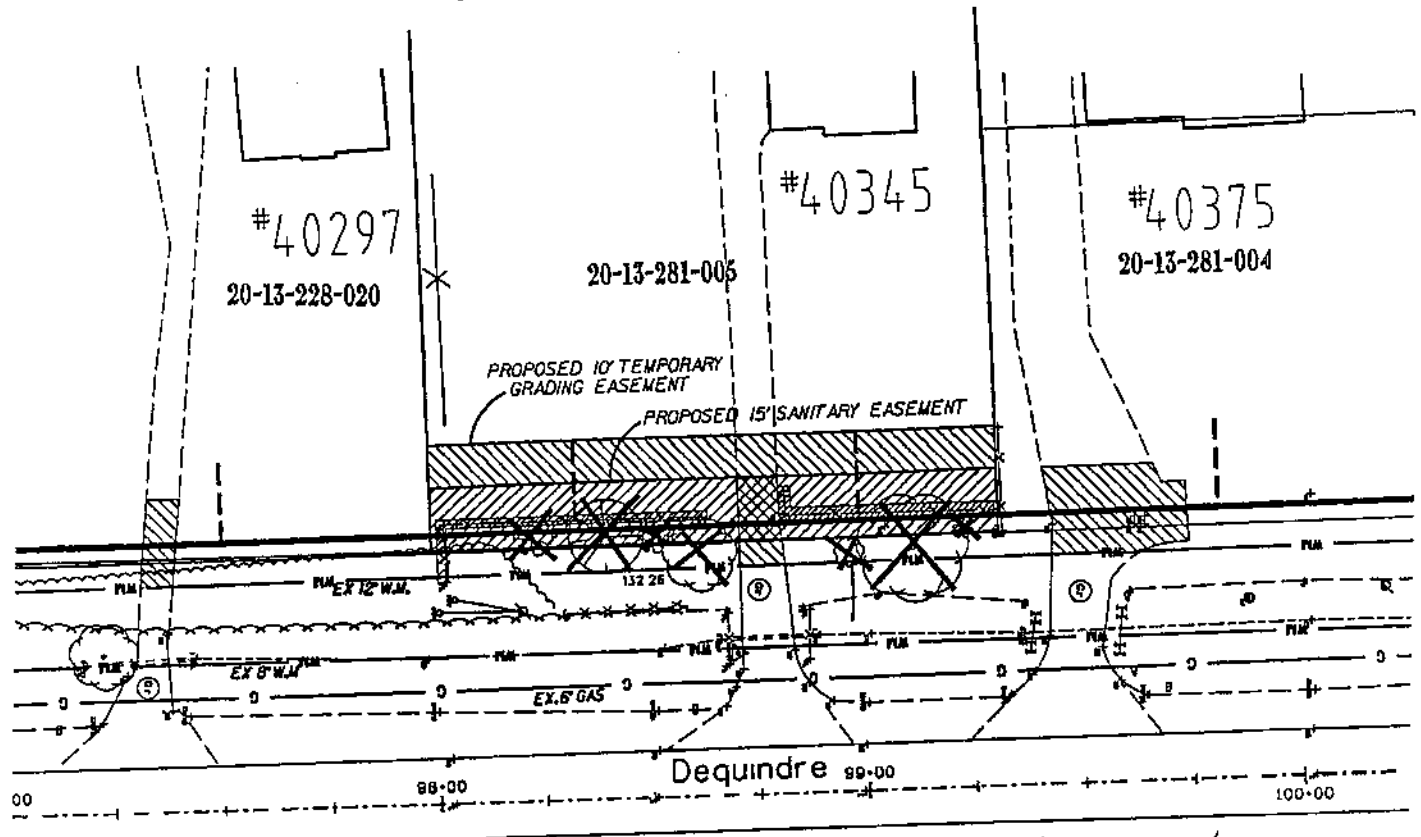
My Commission Expires MAR. 2 / 2006

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

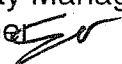
PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

Proposed Easement Sketch



July 1, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer 

SUBJECT: Private Agreement for Gardner Signs
Project No. 00.928.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, storm sewer and paving.

The Owner has provided cash for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

G:\Projects\Projects - 00.928.3\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

Prepared by: Gary Streight, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.928.3PROJECT LOCATION: 1095 NAUGHTON

RESOLUTION NO. _____

DATE OF COUNCIL APPROVAL: _____

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and BTS Ventures, LLC whose address is 1199-D Kirts Blvd, Troy, MI 48084 and whose telephone number is 248-362-2816 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer and paving in accordance with plans prepared by Raymond J. Donnelly & Associates, Inc. whose address is 1853 E. Maple Road, Troy, MI 48083 and whose telephone number is (248)-689-5555, and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of \$7,012.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

<u>Cash</u>	<input type="checkbox"/>
<u>Certificate of Deposit</u>	<input type="checkbox"/>
<u>Irrevocable Bank Letter of Credit</u>	<input type="checkbox"/>
<u>Check</u>	<input checked="" type="checkbox"/>

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee	\$ 427.73
Water Main Testing Fee	<u>\$650.00</u>
TOTAL:	\$ 1,077.73

* 6.1% (.061) of approximate contract price

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.928.3

PROJECT LOCATION: 1095 NAUGHTON

COUNCIL RESOLUTION No.

DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$8,089.73 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.928.3PROJECT LOCATION: 1095 NAUGHTON

COUNCIL RESOLUTION NO. _____

DATE OF COUNCIL APPROVAL: _____

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 200____.

OWNERS

By:

CITY OF TROY

By:

Thomas Leonard

Please Print or Type

MemberMatt Pryor, MayorRobert McPhee / Councilman

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 16th day of June, A.D. 200____, before me personally appeared Robert McPhee known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

M. Aileen Bittner

NOTARY PUBLIC,

Oakland County

Michigan

M. AILEEN BITTNER**Notary Public, Oakland County, MI****My Commission Expires January 22, 2007**

My commission expires:

January 22, 2007

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR GARDNER SIGNS
PROJECT NO. 00.928.3

The estimated costs of public improvements for the above mentioned project are as follows:

Escrow Deposits:

Water Main	2,000.00
Storm Sewer	1,012.00
Paving	4,000.00

Total Escrow Deposits: (Cash)

\$ 7,012.00

Cash Fees:

Review & Inspection	\$427.73
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	_____

Total Cash Fees: (check)

\$ 1,077.73

June 24, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Practice Range Rates

Recommendation:

It is anticipated that the practice range at the new golf course will open in August 2003. Staff recommends that rates for the driving range be set as follows:

Large Bucket (75 Balls) \$8.00

Small Bucket (45 Balls) \$5.00.

Attached please find copies of estimated revenues and expenses. These estimates take into account the expected market for the fiscal year, industry averages, and anticipated expenses.

Project Summary:

The agreement with Treadwell Golf for the construction of the course includes the grooming and grow in process of the site until the golf course is ready to be opened for play. The golf division will take over the entire operation including maintenance when the course opens.

When the range opens, the golf division staff will be responsible for the daily operations of the range, which includes the handling of fees, range attendants, and the overall management of the range and the clubhouse. Staff responsibilities will include: picking up range balls, cleaning and separating the golf balls, attending to the cleanliness of the range area and handling fees. Employees will be from the existing staff at Sylvan Glen Golf Course along with some new part time staff members.

The operational hours of the range will be from 8:00 am until one and a half hours before dusk, at which time no additional balls will be sold. This closing time will allow for the cleaning of the range at the end of the day, as well as affording the customer the opportunity to complete their practice session. This schedule will be followed until the opening of the entire facility, at which time the range hours will be extended to mirror those of the golf course hours.

Through our experience and knowledge, it is our feeling that the recommended daily operating procedures should establish a solid foundation for the opening of a competitive and customer friendly facility. It is our intention to build a reputable and successful venue that continues the success synonymous with the City of Troy.

At the June 26, 2003 Parks and Recreation Advisory Board meeting, a resolution was passed recommending the fees be approved by City Council (see attached).

**Section One Golf Course
Range Sales**

PROJECTED REVENUES 03/04			
	Price per Bucket	Buckets Sold	Total Dollars
Small Bucket	\$5.00	10,500	\$52,500.00
Large Bucket	\$8.00	10,500	\$84,000.00
Food Service			\$1,000.00
Pro Shop Sales			\$2,000.00
Totals	\$6.50	21,000	\$139,500.00

Projections were based on sales of 100 buckets per day (divided evenly between small and large buckets), seven days a week for thirty weeks.

PROJECTED REVENUES LESS EXPENSES 03/04	
Total Revenue	\$139,500.00
Total Expenses	\$61,110.00
Net Income	\$78,390.00

June 27, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Parks and Recreation Advisory Board Recommendation for Driving Range Fees

At the June 26, 2003 meeting of the Parks and Recreation Advisory Board, the following action was taken:

A motion by Tom Krent, supported by Janice Zikakis, to recommend to City Council approval of the proposed fees for the Golf Course Driving Range.

Large bucket (75 balls)	\$8.00
Small bucket (45 balls)	\$5.00

Ayes: All	Nays: None
<u>MOTION CARRIED</u>	

June 30, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director

SUBJECT: Homeowner's Dispute at 1765 E. Wattles

On February 3, 2003, City Council approved an agreement for resolution of the homeowner's dispute at 1765 East Wattles. At that time \$6,500 was authorized as the City's share (half of \$13,000 - \$8,000 for fence, porch steps and regrading, and \$5,000 for flowers, mulch, etc.) toward property improvements. Attached is the earlier memo.

After further discussion in finalizing \$8,000 for all of the front yard work, an additional \$957.50 was required to include all of the trees, shrubbery, porch changes and regrading required by the agreement with the homeowner. This additional \$957.50 will be split 50/50 with the Troy School District, and staff is requesting authorization for an additional \$478.75.

DS/ch

Att.

January 27, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Asst. City Manager/Services
Steve Vandette, City Engineer
Doug Smith, Real Estate and Development Director

SUBJECT: Agreement for Resolution – Homeowner's Dispute at 1765 East Wattles

St. Petka's is building a new church between Wattles Road and Athens High School. As part of the development, Troy Schools moved its driveway from the western side of the Athens property to property on the east to make a joint driveway. The City had suggested this move, and as part of the project, provided a narrow strip of land to make it possible. This move improves traffic flow in this area by having the southern Athens driveway access Wattles Road via a traffic light and eliminates the need for one more curb cut to Wattles.

The homeowner immediately to the east of the new driveway discovered that her house was closer to the curb than she had previously understood it to be and a major traffic light pole was on her front property. Her property and her immediate neighbor to the east are the only properties in that area, with 50 feet of right of way instead of 60 feet. The 60-foot line would put her front porch within a few feet of the right of way line and may have required the City to offer a "full take" on the property and, therefore, in the past the 60-foot right of way was not purchased.

Because of the lack of right of way, the sidewalk was "jogged" closer to the street in City right of way. However, the entire road and driveway project with a right turn lane has placed Ms. Granham's house close to the street and has probably negatively impacted her property value.

The homeowner, Wendy Granham, approached the City and the school district about trying to provide an alternative to her having to file suit for devaluation of her property. A discussion with Ms. Granham and Troy School District has resulted in a proposed improvement to the property costing approximately \$13,000, which would provide a 30" fence, landscaping coverage for the front of the house and an alteration to the steps that would permit the primary front face of her home to effectively face east, rather than south toward the street.

All three parties involved have worked well together in trying to resolve the issue. Ron Hynd, the City landscape architect (see attachment) supplied the landscape plan, The Dailey Company (the construction contractor) priced out the proposal and the school district has coordinated all of the meetings and is responsible for contracting for the work.

The original proposal for fence, landscaping and porch work came in at \$19,000. Dailey Company sought two additional bids. These bids came in at \$14,324 and \$10,321. The low bid had deficiencies.

After some negotiation it was agreed that the amount of flowers initially proposed may be more than necessary. An agreement was reached for the contractor to do the fence, porch steps and regrading of the area including topsoil, shrubs and trees this winter (\$8,000), and Ms. Granham would accept \$5,000 for flowers, mulch, etc. to cover the costs for the landscaping to be done in the spring at the owners prerogative. Total cost is \$13,000.

City management would recommend the expenditure of \$6,500 for the City's share (1/2 of \$13,000) of the improvements to come from the road project budget. Troy Schools has agreed to pay the other half. An agreement will be signed with the homeowner to provide these improvements to her property, and in turn she will agree not to pursue legal action against the City of Troy or Troy Schools regarding this matter.

DS/pg

Att.

Background:

A little more background may be helpful here. St. Petka's had owned the property on Livernois just south of Zion church for approximately ten years. Troy City Council had targeted this area for an additional park, and when St. Petka's came in 1997 with site plans for building the church, the City approached the church about purchasing this property and relocating them to some place else in the City. Eventually the discussions ended in a condemnation case (February 2001), and St. Petka's was forced to find another site. With the City's help, St. Petka's finally identified the site south of Athens High School. This was by far not their first choice, but in terms of dollar value and staying in Troy it turned out to be at least an acceptable site.

As St. Petka's developed this property, the City was involved since it had previously received a narrow strip of property connecting this property to Wattles Road. It had been deeded to the City from a previous development for access to that property. As part of the development, the City had suggested that Troy Athens be approached about a joint driveway because it would improve the traffic flow in the area by reducing the number of curb cuts and allowing for enough warrants to justify a street light at the southern exit for Athens High School, directly across from Victoria Drive. When both parties agreed to the joint driveway the City deeded the strip of property to Troy Schools.

Ms. Granham had spoken up at the hearing for rezoning and for preliminary site plan approval at the Council meetings. City Council approved the preliminary site plan based on the agreement that a line of trees would protect Ms. Granham's home and a fence would be erected over a portion of her property's western boundary to protect her home from pedestrian traffic resulting from the high school and shielding it from the driveway, immediately to the west of her house. Therefore, all parties have recognized the impact on her property, and Ms. Granham has already received some consideration as this project has proceeded.

DS/pg

Att.

July 2, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
 Gary Shripka, Assistant City Manager/Services
 Jeanette Bennett, Purchasing Director
 Carol K. Anderson, Parks and Recreation Director

Subject: Standard Purchasing Resolution 1: Award to Low Bidder—
 Pool Chemicals

RECOMMENDATION

On June 10, 2003, bids were opened for a one-year contract for pool chemicals with an option to renew for one additional year. City management recommends an award be made to the sole bidder, B&B Pools and Spas, for an estimated total cost of \$18,600.00, at unit prices contained in the attached bid tabulation dated June 10, 2003.

SUMMARY

B&B Pools and Spas was the only company to submit a bid. Northwest Pools obtained the document on May 28, 2003, but do not carry the brand specified. Camp Services did not feel they could be competitive. There are a limited number of authorized dealers for the patented Pulsar product. Typically, if you have a Pulsar Filter System, Pulsar products or acceptable alternates are preferred so as not to void any limited warranty. Chemicals will be used to maintain the indoor Community Center Pool and the outdoor Aquatics Center pool.

The Purchasing Department will continue its practice to send a letter for a limited time, to all vendors identified with the specified commodity code maintained on the City database, directing vendors to register for bid opportunities on the MITN e-procurement site.

BUDGET

Funds are available for these purchases in the Community Center and Aquatic Center Operational Supply Accounts 755.7740.010 and 787.7740.010 respectfully.

13 Vendors Notified via MITN System
 1 Bid Rec'd

Prepared by: Brian Goul, Aquatics Coordinator

Opening Date -- 6-10-03
Date Prepared -- 6/24/03

CITY OF TROY
BID TABULATION
POOL CHEMICALS

ITB-COT 03-08

VENDOR NAME:

** B&B POOLS

PROPOSAL: FURNISH ONE YEAR REQUIREMENTS OF POOL CHEMICALS WITH AN OPTION TO RENEW FOR ONE ADDITIONAL YEAR

EST. ITEM	USAGE	DESCRIPTION	PRICE/EACH	PRICE/EACH	PRICE/EACH	PRICE/EACH
1.	3000 LB	Pulsar Plus Briquettes, Pool Sanitizer Briquette form in accordance with specs.	\$ 1.85			
		Product Quoting On	PULSAR BRIQUETTES			
		Manufactured by	ARCTIC CHEMICAL			
		Pounds/Bucket	50			
2.	3000 LB	US Filter HRR Enhancer, Pool Oxidizer Solid form in accordance with specs	\$ 2.75			
		Product Quoting On	HRR ENHANCER			
		Manufactured by	US FILTER			
		Pounds/Bucket	50			
3.	500 LB	Sodium Thiosulfate, Chlorine Neutralizer in accordance with specs	\$ 6.00			
		Product Quoting On	CHEM-OUT			
		Manufactured by	BIO-GUARD			
		Pounds/Bucket	24			
4.	600 LB	Pulsar Power Shock, Manual Pool Sanitizer powder form in accordance with spec	\$ 2.36			
		Product Quoting On	PULSAR POWER SHOCK			
		Manufactured by	ARCTIC CHEMICAL			
		Pounds/Bucket	25			
5.	100 GAL	Muriatic Acid, PH Reducer, Liquid Form in accordance with specs	\$ 3.75			
		Product Quoting On	HYDROCHLORINE ACID (MURATIC)			
		Manufactured by	TRANSCHEM			
		Gallons/Case	4			
ESTIMATED GRAND TOTAL:			\$ 18,591.00			
CONTACT INFORMATION:						
		Hrs of Operation	8AM-5PM			
		Phone # - Y or N	(734) 522-7946			
TERMS:			NET 30			
WARRANTY:			BLANK			
DELIVERY:			5 DAYS AFTER VERBAL REQUEST			
EXCEPTIONS:			BLANK			

ATTEST:

**** DENOTES SOLE BIDDER**

Ann Blizzard

Aileen Bittner

Linda Bockstanz

Jeanette Bennett
Purchasing Director



Downloading History for ITB-COT 03-08PoolChem

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **6/24/2003**.

Document Title:	One Year Requirements of Pool Chemicals with Option to Renew
Date Issued:	5/23/2003
Close Date:	6/10/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

<u>Acct #</u>	<u>Company Name</u>	<u>Service</u>	<u>Date Obtained Document</u>	<u>Date Obtained Amendments</u>
11493	Audio Visual Equipment & Supplies, Inc.	E-mail	5/31/2003	
12114	B & B Lawn Service	Fax	5/28/2003	
12707	B & B Pools	Free	6/2/2003	
12695	BOILERS, CONTROLS & EQUIPMENT, INC.	E-mail	6/10/2003	
12584	Camps Services	E-mail	5/28/2003	
11860	Cascade Water Services	E-mail		
10690	Cul-Mac Industries, Inc.	E-mail	5/27/2003	
11455	e-Business Partners Inc.	E-mail	6/10/2003	
12629	Northwest Pools, Inc.	Free	5/28/2003	
12197	Recreonics, Inc.	E-mail	5/23/2003	
10113	Sullivan Corporation	Free	6/6/2003	
10983	USA Bluebook	E-mail		
10679	Water Specialties, Inc.	Free	6/4/2003	

[Return to Main Menu](#)
[Return to Report Menu](#)

June 20, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Lori Bluhm, City Attorney
Carol K. Anderson, Parks and Recreation Director

Subject: Approval of Funding Agreement Boys and Girls Club.

Recommendation

Attached please find the annual agreement with the Boys and Girls Club for 2003 – 2004. The agreement states the City will fund the Boys and Girls Club \$76,323.00.

This funding is an increase of \$2223.00 from the 2002 – 2003 allocation and is the amount approved by City Council in the 2003 - 2004 budget.
to the original minutes of this meeting.



6/30/03

TO: Mayor and Members of Troy City Council

FROM: Lori Grigg Bluhm, City Attorney *LGB*
Susan M. Lancaster, Assistant City Attorney *ML*

RE: Troy v. Marilyn Miller, Living Trust (Long Lake Road Improvement Project)

A condemnation case was initiated to obtain a 27-foot deep parcel of property running along the front property line of 2356 Long Lake Road for road widening and improvement purposes. \$47,231 was paid initially to the property owners based on a market study done by Ken Whitenton, Whitenton Real Estate Consultants, LLC, and the City's appraisal/acquisition contractor for the project.

Since the property owner did not agree to accept the just compensation offer, it was necessary for the consultant to hire an appraiser to appraise the property and testify at trial and depositions. Mr. Whitenton hired Mary Jane Anderson, of Anderson and Anderson Associates, Inc. Ms. Anderson did a thorough appraisal study of the property. Her opinion of fair market value is \$81,285. We have not yet received the Defendant's appraisal and discovery is continuing. However, in the meantime, the attorney for the property owner has requested that the City pay his client the difference between our estimated just compensation and Mary Jane Anderson's appraisal value. That difference is \$34,054 plus statutory interest from the date that the City took possession of the property.

It is our recommendation that we pay the difference and statutory interest as soon as possible. Since the City will be submitting into evidence the appraisal report and testimony of Mary Jane Anderson, the jury will be instructed that \$81,285 the minimum amount that it could award to the property owners. We would ultimately need to pay the difference between the just compensation payment and Ms. Anderson's appraisal of \$81,285. Payment of the \$34,054 as soon as possible will minimize the statutory interest. It could be several months to a year before this matter goes to jury trial, so payment of the difference now will save the City money. A proposed Order is attached for your approval.

The payment of the \$34,054 plus statutory interest is not a settlement of the case, nor does that amount include the property owner's attorney fees. Attorney fees

and costs are issues that will arise if the matter is settled or when there is a jury verdict.

If you have any questions about this matter, please let us know.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

Plaintiffs,

v.

Case No. 02-041711 CC
Hon. Deborah G. Tyner

MARILYN KAY MILLER LIVING TRUST
Dated April 21, 2000; MARILYN KAY
MILLER, Trustee,

Defendants.

City of Troy – City Attorney's Office
Lori Grigg Bluhm (P46908)
Attorney for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

Berry & Reynolds, PC
David W. Berry (P25418)
Ronald E. Reynolds (P40524)
Attorneys for Defendant
32255 Northwestern Hwy, Ste 280
Farmington Hills, MI 48334-1527
(248) 851-3434

ORDER FOR INTERIM PAYMENT OF JUST COMPENSATION

At a session of said Court held
in the Courthouse in the City
of Pontiac, Oakland County, MI
on: _____

PRESENT: HONORABLE DEBORAH G. TYNER, CIRCUIT COURT JUDGE

The City of Troy has updated its estimate of just compensation owing for
the acquisition at issue in this case based upon the appraisal report of Mary Jane

Anderson, the City of Troy's appraiser. Therefore, the City is increasing its offer of just compensation from \$47,231 to \$81,285. This Order requires payment of the difference, plus interest.

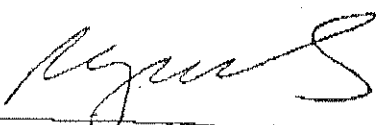
IT IS ORDERED:

1. Troy shall pay Defendant \$34,054 representing the increase of estimated just compensation from \$47,231 to \$81,285, without prejudice to Defendant's right to seek additional compensation of the acquisition described in the Declaration of Taking and Complaint. In addition, Troy shall pay interest from ~~November 7, 2001~~ *July 10, 2002*, the date Defendant surrendered possession of the Property to Troy, through the date of actual payment, at the rate required by MCL 213.65.
2. Troy's increased estimate of just compensation plus interest shall be paid within 21 days after the entry of this Order.
3. This is **not a final order** and this case shall proceed in accordance with the Court's scheduling orders.

CIRCUIT COURT JUDGE

Approved for entry:

Susan M. Lancaster (P33168)
Attorney for Plaintiff



Ronald Reynolds (P25418)
Attorney for Defendant

June 24, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager 
John M. Lamerato, Assistant City Manager-Finance and Administration 

RE: Appropriation to the Budget Stabilization Fund

City Council adopted Chapter 15 – Budget Stabilization Fund (see attachment) at a special meeting on June 20, 2002.

During the 2003-04 budget study sessions, \$668,000 was removed from the proposed budget and re-allocated to fund an initial transfer to the Budget Stabilization Fund. The appropriation to the Budget Stabilization Fund is included in the adopted 2003-04 Budget. With the passage of this resolution \$668,000 will be transferred to the Budget Stabilization Fund.

CHAPTER 15- BUDGET STABILIZATION FUND



- 15.10 Creation. There is hereby established a budget stabilization fund. The fund shall be separate and distinct from the City's general fund. Appropriations to the fund and expenditures from the fund shall be made as provided in this section and shall comply with the requirements of Act 30 of the Public Acts of 1978, as amended, being M.C.L.A. 141.441 et. seq..
- 15.20 Purposes. The budget stabilization fund is created for the following purposes:
- (A) To cover a general fund deficit, when the City of Troy's annual audit reveals such a deficit.
 - (B) To prevent a reduction in the level of public services or in the number of employees at any time in a fiscal year when the City of Troy's budgeted revenue is not being collected in an amount sufficient to cover budgeted expenses.
 - (C) To prevent a reduction in the level of public services or in the number of employees when in preparing the budget for the next fiscal year the City of Troy's estimated revenue does not appear sufficient to cover estimated expenses.
 - (D) To cover expenses arising because of a natural disaster, including a flood, fire, or tornado. However, if federal or state funds are received to offset the appropriations from the fund, that money shall be returned to the fund.
- 15.30 Appropriations to the Fund. Commencing with the City of Troy's 2002-2003 fiscal year and continuing in each fiscal year thereafter, the City Council may appropriate all or part of a surplus in the general fund, which results from an excess of revenue in comparison to expenses, to the budget stabilization fund. The appropriation shall be made by ordinance or resolution, adopted by a two-thirds vote of the members elected or serving on City Council.
- 15.40 Tax Increase Prohibition. The City of Troy shall not impose additional taxes producing revenue in excess of that needed for its estimated budget in order to provide for money to be appropriated to the budget stabilization fund.
- 15.50 Consideration of reduced state tax money. In determining whether the City of Troy's revenue is not sufficient to cover its expenses, a reduction in the amount of money received for the fiscal year from any source in comparison to the amount of money received for the

previous fiscal year, including a reduction in the allocation of state tax money, shall be considered.

- 15.60 Investment. The money in the budget stabilization fund may, from time to time, be invested as permitted by law. All earnings on the money from the budget stabilization fund shall be returned to the general fund of the City of Troy.
- 15.70 Limitations on Budget Stabilization Fund. The amount of money in the budget stabilization fund shall not exceed either fifteen percent of the City of Troy's most recent general fund budget, as originally adopted, or fifteen percent of the average of the City's five most recent general fund budgets, as amended, whichever is less. Monies in the budget stabilization fund in excess of the aforementioned limitations shall be appropriated in the City's next general fund budget, but shall not be appropriated to the budget stabilization fund.
- 15.80 Prohibitions on Uses of the Fund. The money in the budget stabilization fund shall not be appropriated for the acquisition, construction or alteration of a facility as part of a general capital improvements program.

June 27, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager 
Gary A. Shripka, Assistant City Manager/Services 

SUBJECT: Section 1 Golf Course – Parking Lot Screening

As part of Council's meeting on October 7, 2002, the required screening of the Section 1 Golf Course parking lot was discussed (item E-6). Chapter 39, Section 39.10.01 (B) requires a 4' 6"-high obscuring wall for off-street parking in C-F zoned districts. As the golf course property is zoned C-F, screening is required.

As part of the site plan approval, the Planning Commission added 17 caveats, one of which (#10) stated: "To shield the residential property immediately west of the maintenance shed and club house area, the City shall apply for a variance from the Board of Zoning Appeals for the construction of a landscape berm instead of a wall. This berm shall be planted with evergreen-type trees to shield noise and trees." Chapter 39, Section 39.10.04 allows the BZA to grant this variance. This condition was also part of Council Resolution #2002.08.455 approved on August 5, 2002.

What was brought to Council on October 7, 2002 was a proposed resolution to allow installation of the required wall. This request was based on the fact that there will no longer be an occupied residence to the immediate west of the maintenance building. Also the required wall is only for screening of the parking lot (approximately 240'), not the entire west property line (approximately 800').

On October 21, 2002 Council passed resolution #2002-10-564 that required a 4'-6' high masonry wall to screen the parking lot unless the ordinance was modified by Council prior to occupancy.

City Management was also directed to look at alternatives to the existing screening requirements for parking lots not located on the property line.

Alternative ordinance language was developed and recommended by the Planning Commission and City Management to Council, and at their June 16, 2003 meeting Council passed Resolution #2003-06-311.

That Resolution approved Ordinance changes that would allow either a landscape buffer or landscaped berm in lieu of the 4'-6' high wall, depending on how far the parking lot was from the property line.

The Section 1 golf course parking lot is in excess of 100' (213.82' to 314.55') from the west property line. This distance would permit a landscape buffer of a double row of upright coniferous trees 5 to 6 feet in height, 20 feet on center with rows 10 feet apart.

Based on all of the above information, City Management would request Council approve a landscape buffer in lieu of the previously required screening walls located in the cleared area west of the parking lot and east of the existing construction fence.

D-4 Section 1 Golf Course – Parking Lot Screening

Resolution #2002-10-

Moved by Pallotta

Seconded by Eisenbacher

RESOLVED, That the required parking lot screening at the Section 1 Golf Course site shall be a 4' 6" high decorative masonry wall.

Vote on Amendment

Resolution #2002-10-563

Moved by Eisenbacher

Seconded by Beltramini

RESOLVED, That the required parking lot screenage at the Section 1 Golf Course site shall be a 4' 6" high decorate masonry wall unless the ordinance is modified by Council prior to occupancy.

Yes: All-7

Vote on Amended Resolution

Resolution #2002-10-564

Moved by Pallotta

Seconded by Eisenbacher

RESOLVED, That the required parking lot screenage at the Section 1 Golf Course site shall be a 4' 6" high decorate masonry wall unless the ordinance is modified by Council prior to occupancy.

Yes: Beltramini, Broomfield, Eisenbacher, Lambert, Pallotta, Pryor

No: Howrylak

MOTION CARRIED

D-5 Traffic Signal Maintenance Cost Agreement for Signal at Crooks and Butterfield

Resolution #2002-10-565

Moved by Pallotta

Seconded by Beltramini

WHEREAS, The Board of Commissioners for the Road Commission for Oakland County approved the installation of a traffic signal at the intersection of Crooks Road (a County road) and Butterfield Road (a City road), as requested by Kelly Services, Inc., a Troy business; and

WHEREAS, Kelly Services, Inc. will bear the cost of installation of the signal.







June 26, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John Lamerato, Assistant City Manager/Finance & Administration
Cindy Stewart, Community Affairs Director
Laura Fitzpatrick, Assistant to the City Manager

SUBJECT: Request from Youth Council – televising monthly meetings

At its May 28 meeting the Youth Council requested that its monthly meetings (held at City Hall and the Community Center) be taped and aired later in the month. This request was made in the form of the resolution below and is part of the Youth Council's goal to get its message out to youth and other residents of Troy.

Currently the Community Affairs Department tapes all City Council regular meetings and study sessions as well as DDA, Planning Commission, Board of Zoning Appeals, and Senior Citizen Advisory Committee meetings. City management recommends adding the Youth Council to this list beginning with the August meeting. The cost of doing so would be approximately \$50 per month.

Resolution from May 28, 2003 Youth Council Meeting

RESOLVED, That the Troy Youth Council hereby requests that City Council approve taping of Youth Council monthly meetings so that they may be televised.

Moved by Chong

Seconded by Kalinowski

Yays: All - 17

Nays: None

Absent: Chandonnet, Hakim, Rider

June 24, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer *SV*

SUBJECT: Addendum No. 1 – Hartland Water Main Replacement & Drainage Improvements, Contract 02-2

RECOMMENDATION

It is recommended that City Council approve Addendum No. 1 to the Hartland Water Main Replacement & Drainage Improvement Project, Contract 02-2, with Roger Ingles Construction, Inc. in the amount of \$17,657.64.

SUMMARY

Due to conflicts with existing underground utilities the new water main was shifted closer to the road and caused more pavement replacement than had been planned. As a result, the amount of road gravel needed to maintain traffic during construction and for the new base for the asphalt road exceeded the estimated contract quantity.

Since it is not practical or cost effective to stop the contractor for days or weeks until a change order can be approved for minor increases in contract quantities, the work continues on until final completion of the project. If the approved 10% contingency is sufficient to cover added costs, final payment to the contractor is made and the project is closed out. If, as in this case, the project cost exceeds the authorized amount, council approval is required prior to paying for the additional work. The amount exceeding the 10% contingency is \$17,657.64.

FUNDING

Funds are available to complete this project in the 2002/03 Water Fund, account number 555.7970.015035. The budgeted amount includes funds for construction, inspection and contingencies.

AUTHORIZATION FOR CHANGE IN WORK

Owner: City of Troy
500 West Big Beaver
Troy, MI 48084

Name of Project: Hartland Water Main Replacements Addendum No. 1

Contractor: Roger Ingles Construction Inc. Date: 06/13/03

Address: P.O. Box 315 Contract No. 02-02

Lake Orion, MI 48361 Project No. 01.503.5

This Addendum, When Approved, Will Constitute Authorization for the Following Changes:

Description of Work	Unit	Estimated Quantities	Unit Price	Amount Increase	Amount Decrease
6" Thick 21AA Aggregate Limestone for Roadway and Maintenance of Approaches	Ton	891.80	19.80	17,657.64	
Total					
Net Increase/Decrease				17,657.64	

Change in Time of Completion: None to _____

Recommended by: _____ Date: _____

Accepted by: Roger Ingles Construction Inc. By: _____ Date: _____
Contractor

Approved by: City Engineer By: _____ Date: _____
City of Troy

June 30, 2003

TO: The Honorable Mayor and City Council

FROM John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: PRELIMINARY SITE CONDOMINIUM REVIEW – Cedar Pines Site Condominium, South of South Boulevard, East of Crooks Road, section 4 – R-1B.

RECOMMENDATION

At the request of City Management, the applicant has provided two additional alternate layouts for the development. Option 1 provides vehicular connection to only Merrick and Crooks, with a stub road at the northern end of the proposed street. A total of 19 units are proposed under this scenario. Option 2 provides vehicular connection to only Andrew, Kimberly and Crooks. A total of 18 units are proposed under this scenario.

The Planning Commission reviewed this application at the June 10, 2003 Regular meeting. The Planning Commission recommended approval of the Preliminary Site Condominium Plan as submitted.

City Management concurs with the Planning Commission, and recommends approval of the Preliminary Site Condominium application as submitted.

GENERAL INFORMATION

Name of Owner / Applicant:
Christopher Pratt.

Location of Subject Property:
The property is located south of South Boulevard and east of Crooks Road, in section 4.

Size of Subject Parcel:
The parcel is approximately 11.5 acres in area.

Description of Proposed Development, including number and density of units:
The applicant is proposing a 17-unit site condominium with 4 points of access. There is a boulevard entranceway on Crooks Road and interior street connections with Merrick Drive to the south, Kimberly Drive to the east and Andrew Drive to the east. There is also a stub street proposed at the north property line.

Current Use of Subject Property:

The parcel is presently vacant.

Current Use of Adjacent Parcels:

North: Single-family residential.

South: Single-family residential.

East: Single-family residential.

West: Faith Apostolic Church, Sunrise Troy Assisted Living, Troy Church of the Nazarene and single-family residential.

Current Zoning Classification:

The property is currently zoned R-1B One Family Residential.

Zoning Classification of Adjacent Parcels:

North: R-1B One Family Residential.

South: R-1B One Family Residential.

East: R-1B One Family Residential.

West: R-EC Residential Elder Care and R-1B One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The applicant is utilizing the Lot Averaging Option which permits a 10% lot area reduction, to 13,500 square feet.

Lot Width: The applicant is utilizing the Lot Averaging Option which permits a 10% lot width reduction, to 90 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 40 feet.
Side (least one): 10 feet.
Side (total two): 25 feet.
Rear: 45 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1B District.

Off-street Parking and Loading Requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental Provisions, including Tree Preservation Plan:

A Preliminary Tree Preservation Plan was submitted and approved as part of the application.

Storm Water Detention:

The applicant is proposing to provide a detention pond in the southwest corner of the property.

Natural Features and Floodplains:

The Natural Features Map indicates that a drain runs along the western parcel boundary. A wetland report by King & MacGregor dated March 2003, indicates there are non-regulated wetlands located in the northern portion of the property. The City concurs that the wetlands are non-regulated.

Subdivision Control Ordinance, Article IV Design Standards:

Blocks: Most of the proposed streets have houses on only one side due to the narrowness of the parcel.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Easements: The applicant is providing a 15-foot wide public utility easement in front of each unit.

Topographic Conditions: The applicant has provided a Topographic Survey of the property.

Streets: Access to the site condominium will from Crooks Road, Kimberly Drive, Merrick Drive, and Andrew Drive.

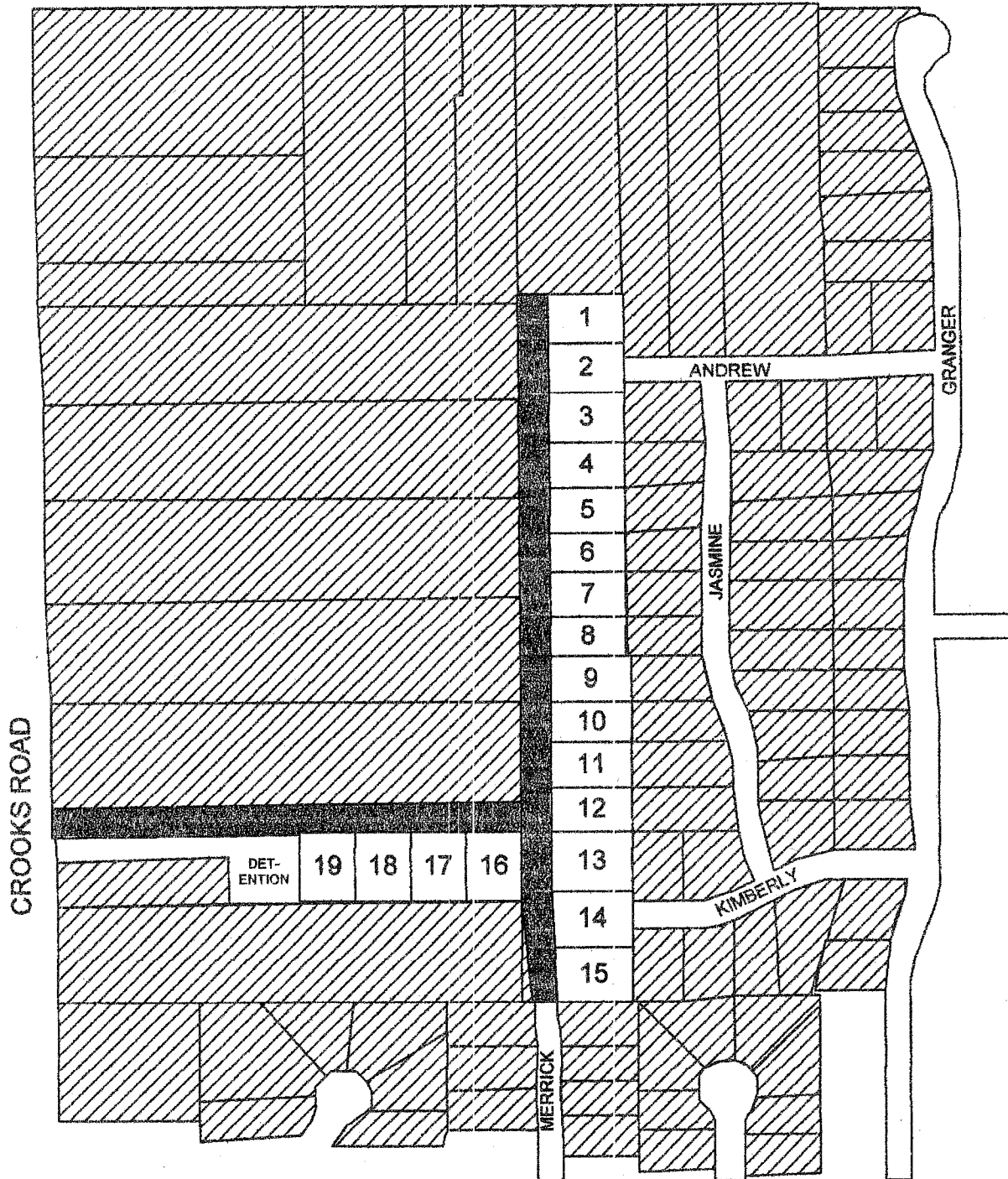
Sidewalks: The applicant is proposing to construct 5 foot wide sidewalks on both sides of all streets. Note that only the Traffic Committee can issue sidewalk waivers.

Utilities: The parcel will be served by public water and sewer.

cc: Applicant
File/ Cedar Pines Site Condominium

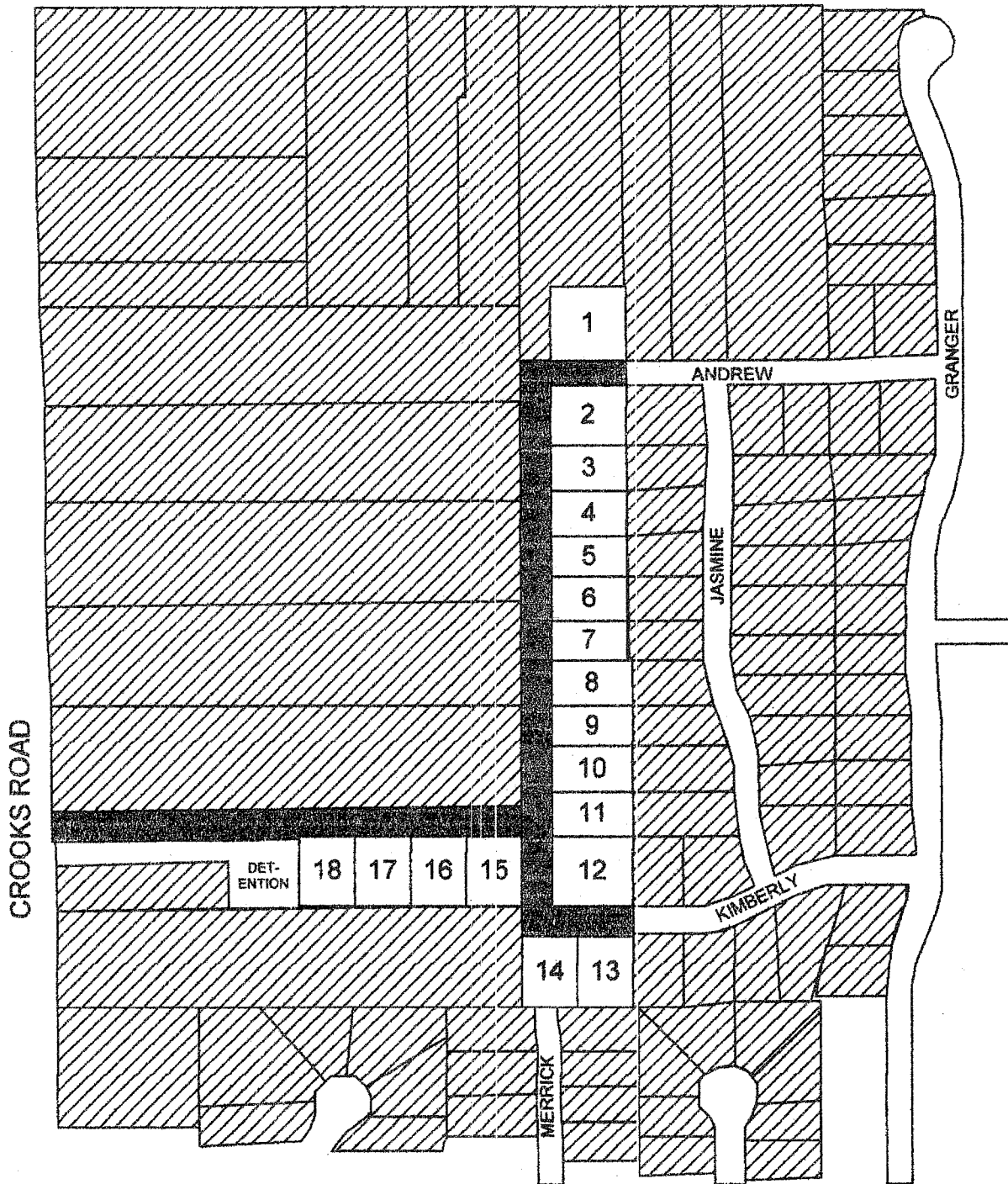
CEDAR PINES SITE OPTION #1

SOUTH BLVD.



CEDAR PINES SITE OPTION #2

SOUTH BLVD.



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KING AND MACGREGOR

PAGE 02/03



King & MacGregor
Environmental
Inc.

FAKED
3-11-03 KMG

March 11, 2003

Mr. Chris Pratt
Wake - Pratt Development Co.
1080 Opdyke Rd., Ste. 200
Auburn Hills, MI 48326

Re: Preliminary Wetland Evaluation, South Blvd. & Crooks Rd.
11 Acre Site, Section 4, City of Troy, Oakland County

Dear Mr. Pratt:

Pursuant to your request, our firm completed a preliminary wetland evaluation on an approximately 11-acre site located in The City of Troy, (NW 1/4, Section 4, T. 2 N., R. 11 E.) Oakland County, Michigan. The intent of this evaluation is to provide a report of the character of any wetlands or aquatic resources within the subject parcel and an opinion as to the jurisdiction of these wetlands or resources by the Michigan Department of Environmental Quality (MDEQ).

The methods used to conduct this wetland evaluation are consistent with the procedures and general practices of the MDEQ. This evaluation included review of in-office information including the Oakland County Soil Survey, National Wetland Inventory mapping, the U.S.G.S. quadrangle map for this area and other information provided by your office. The on-site wetland evaluation was conducted on February 20, 2003 to review potential locations of wetlands or other jurisdictional aquatic resources.

Site Observations

The subject parcel area is a "tee" shaped piece of land consisting of two distinct land cover types. The eastern part of the parcel was found to be an open mowed lawn. The western parts of the parcel were mostly composed of scrub shrubs and light woods. Three small separate scrub-shrub wetland areas were observed and all areas were on the northern edge of western part of the parcel. All three wetlands were well under 0.10 acres in size.

MDEQ Jurisdiction

In Oakland County, the MDEQ regulates wetlands that are 5 acres in size or greater, and/or wetlands that are contiguous to an inland lake, stream, or pond. These regulations define a "lake" as a waterbody greater than 5 acres in size and a "pond" as a waterbody with an open water area of one acre or more. "Contiguous" is defined, in general, as a direct surface or groundwater connection with and/or being located within 500 feet of a lake, stream, or pond. A "Stream" is defined, generally as any body of water that has definite banks, a bed, and visible evidence of a continued flow or occurrence of water. Based on these regulations, our professional opinion is that all of the small scrub-shrub wetlands observed are not State regulated. The vegetated area in the wetlands was primarily dominated by American Elm (*Ulmus americana*), Red Maple (*Acer rubrum*), Silver Maple (*Acer saccharinum*) and Swamp White Oak (*Quercus bicolor*) and under story species typically associated with forested and scrub-shrub wetlands. The ground under the wetland

Southeast Michigan Office
5860 N. Canton Center Rd.
Suite 387
Canton, MI 48187

Phone: 734/354-0594
FAX: 734/354-0593

West Michigan Office
2520 Woodmeadow Dr. SE
Grand Rapids, MI 49546

Phone: 616/957-1231
FAX: 616/957-2198

Central Michigan Office
2390 Lake Lansing Rd.
Suite 201
East Lansing, MI 48823

Phone: 517/333-2122
FAX: 517/333-2124

Northern Michigan Office
302 South Warren
Big Rapids, MI 49307

Phone: 231/796-9291
FAX: 231/796-4060

mail: kmg@king-macgregor.com



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KING AND MACGREGOR

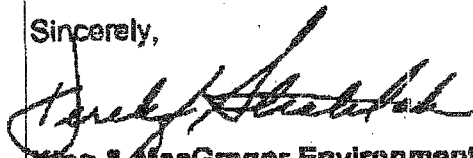
PAGE 03/03

trees was partially snow covered, however the trees and shrubs did exhibit the typical morphological conditions that typify their growth under wetland conditions. The adjacent upland areas are primarily dominated by Scotch Pine, Black Cherry, Red Oak, Grey Dogwood and associated upland shrub species.

The information provided in this report is a professional opinion. The ultimate decision on wetland boundary locations and jurisdiction thereof rests with the MDEQ and, in some cases, the Federal government. Therefore, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary, depending on various factors including, but not limited to, experience of the agency representative making the determination and the season of the year. In addition, the physical characteristics of the site can change with time, depending on weather, agricultural use patterns, drainage, activities on adjacent parcels, or other events. Any of these factors can change the nature and/or extent of observed resources or cause resources to develop.

Thank you for the opportunity to provide this wetland determination. Should you have any questions please feel free to call me at 313-407-4284 or contact me via e-mail at dstratelak@king-macgregor.com.

Sincerely,



King & MacGregor Environmental, Inc.
Derek Stratelak

Resolution

Moved by Vleck

Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 10.00.00 of the Zoning Ordinance (One Family Residential Districts) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Hidden Creek Site Condominium, 15 units proposed, located on the east side of Ellenboro and the south side of Vanderpool, Section 22, within the R-1E zoning district, be approved.

Yeas

All present (7)

AbsentLittman
Wright**MOTION CARRIED****SITE CONDOMINIUM SITE PLAN**

5. SITE PLAN REVIEW – Proposed Cedar Pines Estates Site Condominium, 17 units proposed, South of South Blvd., East side of Crooks, Section 4 – R-1B

Mr. Miller presented a summary of the Planning Department report for the proposed Cedar Pines Estates Site Condominium. Mr. Miller reported that it is the recommendation of the Planning Department to approve the Preliminary Site condominium application as submitted, and noted that the Planning Department and petitioner prefer the layout on the submitted site plan.

Vice Chairman Storrs questioned the future development of the parcel to the south of the proposed Benjamin Road and the detention basin from Crooks Road to the proposed Merrick Road.

Mr. Miller concurred that this parcel may be difficult to develop in the future.

The petitioners, Christopher Pratt and Donald Pratt of Wake-Pratt Construction, 1080 N. Opdyke, Auburn Hills, were present. Mr. Christopher Pratt presented a history of the acquisition of the properties for the proposed development.

Vice Chairman Storrs opened the floor for public comment.

Raymond McMurray of 6590 Crooks, Troy, was present. Mr. McMurray lives on the parcel that Vice Chairman Storrs questioned the viability of future development and inquired its position in terms of development.

Vice Chairman Storrs stated there could be difficulty in developing the parcel with respect to its size, but it appears that development options would be available.

Larry Bennett of 6885 Jasmine Drive, Troy, was present. Mr. Bennett expressed concern about the size of Lot #1 and requested confirmation that the lot would not be used for the construction of a clubhouse for the condominium development. Mr. Bennett also expressed concern about increased traffic and asked if the Commission would reconsider not connecting the proposed development to Crooks Road.

Mr. Miller explained that the petitioner originally planned for two units on Lot #1, which is 31,900 square feet in size. The petitioner opted to make it one big unit when it was discovered that the property was one foot short in width to create two separate units and a variance would have been required.

Edward Bricker of 826 Selby, Troy, was present. Mr. Bricker questioned the reasoning for opening up Merrick. Mr. Bricker expressed his concern of increased traffic, and noted that when northbound Crooks Road gets backed up, the subdivision is used as a shortcut.

Kit Stouffer of 6873 Jasmine, Troy, was present. Ms. Stouffer expressed concern with increased traffic and the subdivision being used as a cut-through for Crooks backed-up traffic. She noted that the Police Department does patrol the area for traffic control now, and that the new development will add another option for increased traffic.

Vice Chairman Storrs stated the Commission is working with the police and fire departments to provide road interconnection for emergency access purposes, and further encouraged the residents to address City Council with their concerns on traffic and to request specific police enforcement for potential speeders.

The floor was closed.

Resolution

Moved by Waller

Seconded by Schultz

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 10.00.00 of the Zoning Ordinance (One Family Residential Districts) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Cedar Pines Site Condominium, 17 units proposed, located south of South Boulevard and east of Crooks, Section 4, within the R1B zoning district, as submitted by the applicant and recommended by the Planning Department, be approved.

Yeas
Chamberlain
Kramer
Schultz
Strat
Vleck
Waller

Nays
Storrs

Absent
Littman
Wright

MOTION CARRIED

Vice Chairman Storrs voted no on the motion because he thinks Benjamin Road should not be developed at this time until there is some plan for the properties on either side that the petitioner does not own.

SITE PLANS

7. PUBLIC HEARING – SITE PLAN REVIEW (SP 894) – Proposed Office Building, Rochester Office Parc, West side of Rochester Road, South of Hannah, Section 3 – C-J

Mr. Miller presented a summary of the Planning Department report for the proposed Rochester Office Parc. Mr. Miller reported that it is the recommendation of the Planning Department to approve the site plan as submitted with conditions as follows: (1) the entry drive on Rochester Road is eliminated; and (2) a 5-foot wide sidewalk connection to each office building from the 8-foot wide sidewalk on Rochester Road is provided.

Mr. Kramer questioned if the landscaping requirements are met because it appears there is minimal landscaping provided along the Rochester Road frontage.

Mr. Miller confirmed the landscaping requirements have been met, and noted the proposed development has three frontages in which the required green space can be utilized.

Mr. Vleck asked if any consideration was given to the effect of eliminating the curb cut and access on existing residential streets and providing the curb cut on Rochester Road.

Mr. Miller said consideration was given to that concept and agreed that there are negative aspects of providing traffic on the residential roads. Mr. Miller said the determination was that providing another curb cut on Rochester Road is more a negative aspect than providing additional traffic on Hannah and DeEtta, and further noted the Traffic Engineer is in concurrence with the determination.

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a “subdivision” or a “plat”. Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. Comparisons between site condominiums and plats.

- a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.
- b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a “lot”. In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a “unit”. Each unit is surrounded by “limited common area”, which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners”. The remaining area in the site condominium is “general common area”, defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.
- c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must “look” similar.
- d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan (“plan”). A platted subdivision is created by the recording of a subdivision plat (“plat”), usually coupled with a declaration of easements, covenants, conditions and restrictions. The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

- e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.
- f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.
- g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.
- h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.
- i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

- j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.
- k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.
- l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of subdividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council

City Council reviews and approves plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - Lot dimensions
 - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site

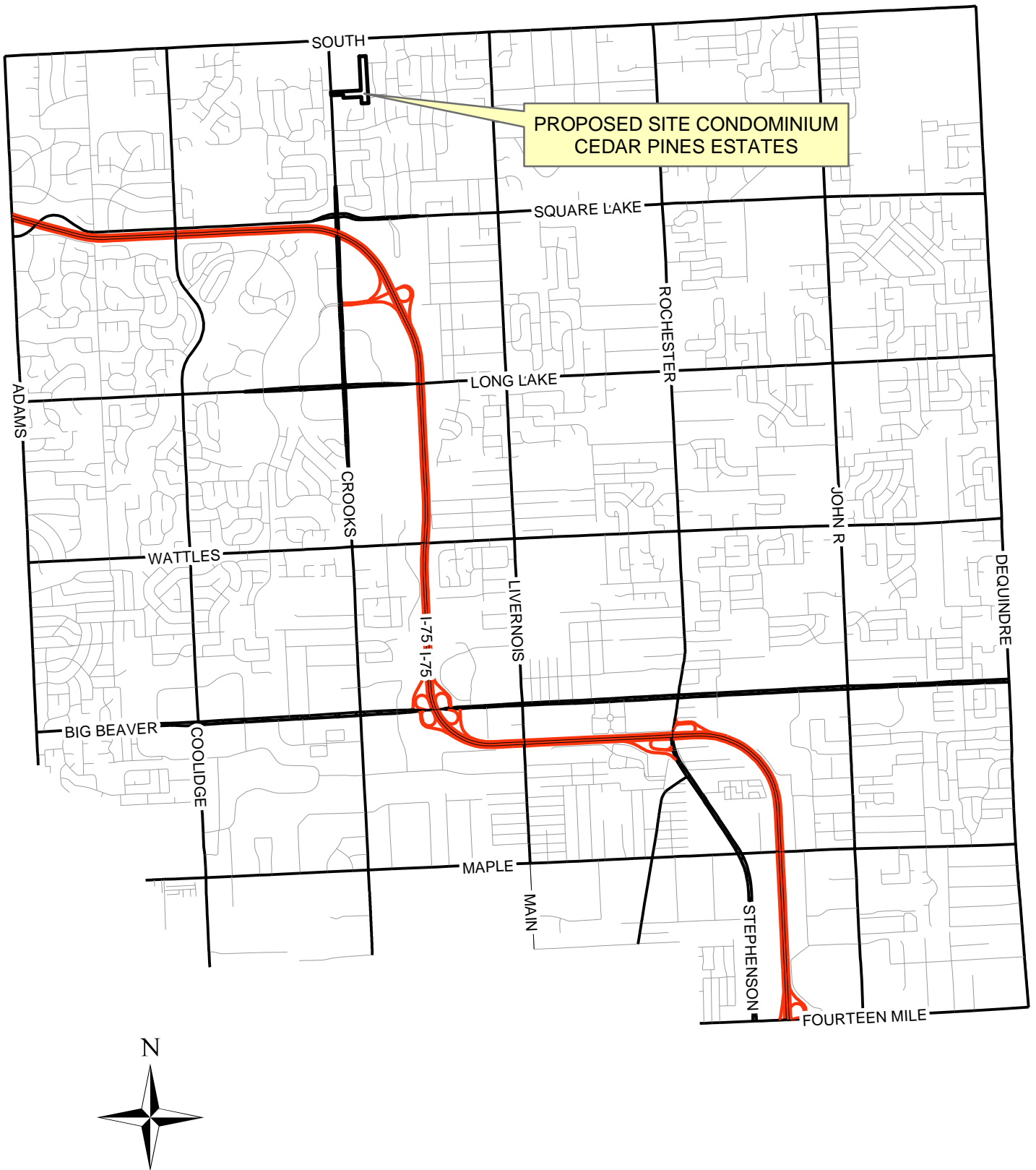
City Council review and approval of:

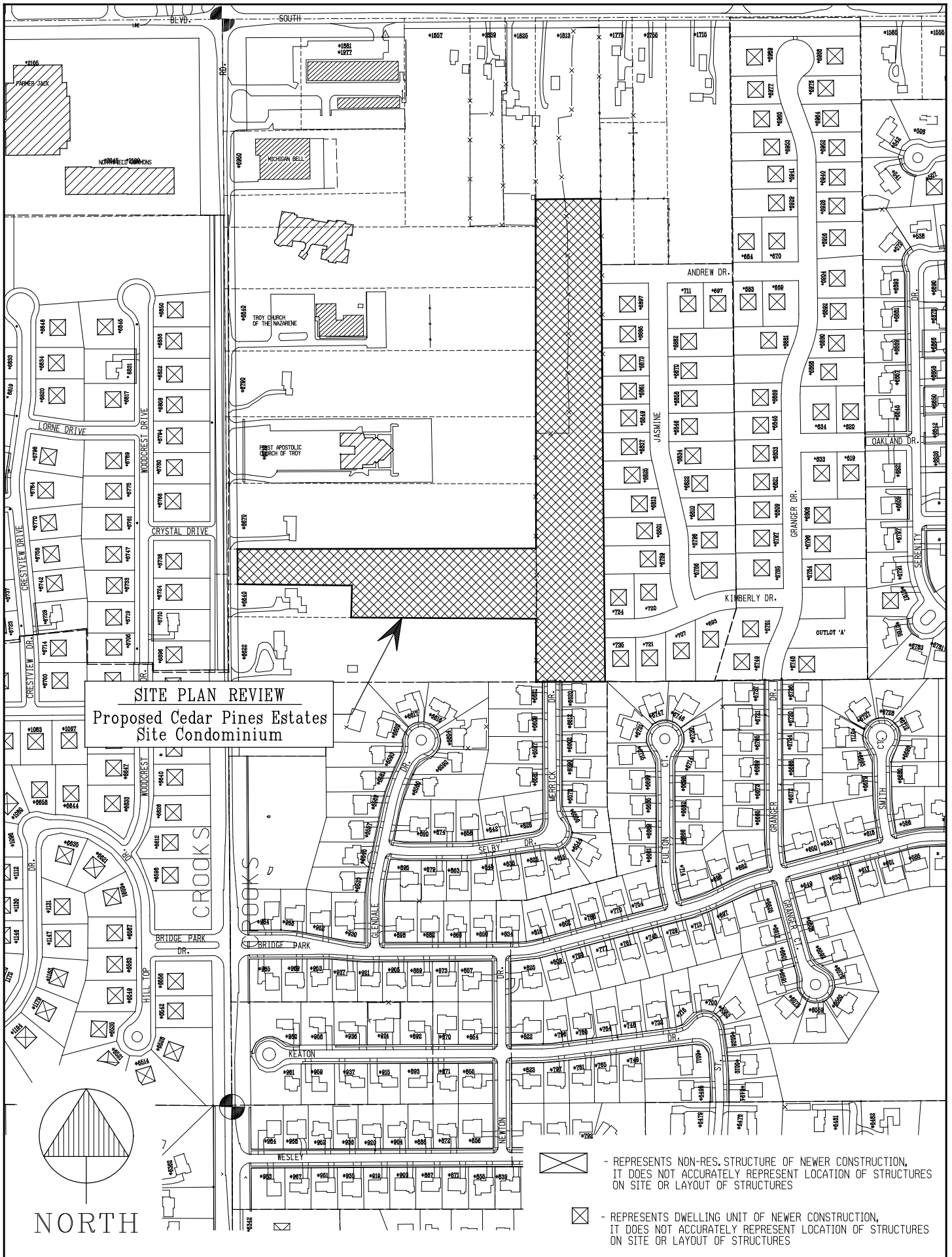
- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

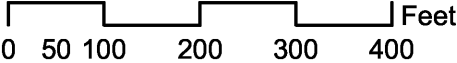
- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
 - Water mains
 - Detention / Retention basins
 - Grading and rear yard drainage
 - Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

CITY OF TROY





SITE PLAN REVIEW
PROPOSED CEDAR PINES ESTATES SITE CONDOMINIUM
E SIDE OF CROOKS RD., S OF SOUTH BLVD.
SEC. 4 R-1B (18 LOTS)



June 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: PRELIMINARY SITE CONDOMINIUM REVIEW – Hidden Creek Site Condominium, east side of Ellenboro, south side of Vanderpool, section 22 – R-1E.

RECOMMENDATION

The Planning Commission conducted a Public Hearing on May 13, 2003 to consider the application, and tabled the Public Hearing until the June 10, 2003 Regular Planning Commission meeting. This provided the applicant with time to respond to issues raised by neighbors. The applicant prepared a document that responded to each issue raised during the May 13 meeting (see attached). The Planning Commission recommended approval of the Preliminary Site Condominium Plan on June 10, 2003.

City Management agrees with the Planning Commission and recommends approval of the Preliminary Site Condominium Plan as submitted.

GENERAL INFORMATION

Name of Owner / Applicant:
Gary Abitheira.

Location of subject property:
The property is located on the south side of Vanderpool and the east side of Ellenboro, between Hartland and Trombley, in section 22.

Size of subject parcel:
The parcel is approximately 7.97 acres in area.

Description of proposed development, including number and density of units:
The applicant is proposing a 15-unit site condominium on 7.97 acres, which represents a density of 1.88 units per acre.

Current use of subject property:

A single family residential structure currently sits on the property, just south of Vanderpool.

Current use of adjacent parcels:

North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

Current zoning classification:

The property is currently zoned R-1E One Family Residential.

Zoning classification of adjacent parcels:

North: R-1E One Family Residential.

South: R-1E One Family Residential.

East: R-1E One Family Residential.

West: R-1E One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: 7,500 square feet.

Lot Width: 60 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 25 feet.
 Side (least one): 5 feet.
 Side (total two): 15 feet.
 Rear: 35 feet.

Minimum Floor Area: 1,000 square feet.

Maximum Lot Coverage: 30 %.

The applicant meets the area and bulk requirements.

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:

A Tree Preservation Plan was submitted as part of the application.

Stormwater detention

The applicant is proposing to provide on-site detention in the northeast corner of the development. The detention pond will have a 1 on 6 slope and will be unfenced, and dedicated to the City.

Natural features and floodplains:

The Natural Features Map indicates that there are wetlands, woodlands and two drains located on the property. A Wetland Evaluation was conducted on the parcel by HRC at the request of the City of Troy. The report indicates there are no wetlands on the parcel. In addition there is floodway confined within the banks of the two drains and 100 year floodplain located on the subject property.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: Access to the site condominium will be provided by Vanderpool and Ellenboro, both paved public streets.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Easements: The applicant proposes the dedication of 5 feet of Vanderpool Avenue for future right of way improvements. The applicant proposes a 12-foot wide easement for public utilities and a 20 foot wide easement for sanitary sewer.

Topographic Conditions: The applicant provided a Topographic Survey of the property.

Streets: Access to units 1 through 12 will be provided by Hidden Creek Drive (proposed name), a 28 foot wide paved road located within a 60-foot wide right of way. Access to units 14 and 15 will be from Ellenboro. Note that the applicant will require permission from the Oakland County Drain Commission to locate the 16-foot wide drive allowing access to lot 15, within a drain easement.

Sidewalks: The applicant is proposing to install 5-foot wide sidewalks along both sides of Hidden Creek Drive.

Utilities: The parcel is served by public water and sewer.

Attachments: 1. May 13, 2003 Planning Commission Meeting Minutes
 2. June 10, 2003 Planning Commission Meeting Minutes
 3. Letter prepared by Gary Abitheira (dated June 5, 2003)
 4. Wetland Evaluation from HRC, Inc. (dated April 4, 2003)

cc: Applicant
 File/Hidden Creek Site Condominium
 Planners (4)

6. SITE PLAN REVIEW – Proposed Hidden Creek Site Condominium, 14 units proposed, East side of Ellenboro, South side of Vanderpool, Section 22 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Hidden Creek Site Condominium. Mr. Miller noted the report incorrectly specifies that the applicant is proposing a 14-unit site condominium; the report should read the applicant is proposing a 15-unit site condominium, which represents a density of 1.88 units per acre. Mr. Miller reported that it is the recommendation of the Planning Department to approve the preliminary site plan as submitted.

Discussion followed with respect to the unusual and quirky layout of the proposed development. It appears that Lot 8 has limited space between adjacent lots and that Lot 1 and 2 would be restricted in the placement of exterior structures.

Ms. Lancaster confirmed that condominium documents could be set up so that individual homeowners are responsible for maintenance of their lots.

Mr. Miller confirmed that Lots 14 and 15 would have access off of Ellenboro.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present. Mr. Abitheira said that he personally is moving onto Lot 8 and that his father currently lives on Lot 15. Mr. Abitheira said the association bylaws would stipulate that each homeowner is responsible for his respective exterior maintenance. Mr. Abitheira explained that he could not split the lots because of legal restrictions.

Chairman Littman opened the floor for public comment.

James Ryan of 648 Vanderpool, Troy, was present. Mr. Ryan lives at the dead end of Vanderpool on the opposite side of the creek. Mr. Ryan spoke with the Chief Inspector of the Oakland County Drain Commission and was informed that the petitioner has not applied for any permits or variances with respect to the drain and existing 25-foot easement and that several outstanding violations exist. Mr. Ryan claimed the petitioner bulldozed the trees on the property without obtaining a permit, and the clearing of the property took away the privacy and nature he once enjoyed as a resident. Mr. Ryan asked that the petitioner be required to re-plant the trees he bulldozed. Mr. Ryan claimed that the petitioner built the two houses at the end of the street without obtaining proper permits. Mr. Ryan stated the Planning Department has informed him that the petitioner has received all applicable City permits, but he understands that applicable County permits have not been obtained. Mr. Ryan voiced his concern, as well as his neighbors, that Vanderpool would be opened up to through traffic and believes it would be a detriment to the neighborhood. Mr. Ryan spoke with respect to the unusual layout of the site, and cited several questions that he feels should be addressed before further movement on this project.

Mr. Miller confirmed that the City's Parks and Recreation Department reviewed the petitioner's preliminary tree preservation plan and the Engineering Department reviewed the floodplain very closely. Mr. Miller stated the petitioner would apply for permits subsequent to receiving preliminary site plan approval. Mr. Miller said that he could not answer to potential violations at this time without doing further research on the issues.

Ms. Lancaster confirmed that the Commission's approval process relates to meeting City ordinances and not County requirements.

Mr. Miller cited the City ordinance relating to constructing equipment and/or structures within a floodplain area, and noted there could be potential limitations on developing or building in the rear yards that lie within the designated floodplain.

James Savage of 800 Harris, Troy, was present. Mr. Savage circulated a photograph taken two years ago after a one-inch rainfall wherein Rochester Road near the Sturgis drain was completely submerged. Mr. Savage voiced concern with additional flooding as a result of the proposed development. In addition, Mr. Savage addressed his concern of increased traffic on Vanderpool and Ellenboro, and noted it would endanger elementary school children. Mr. Savage feels the proposed development would have a negative impact on the neighborhood.

The floor was closed.

Resolution

Moved by Littman

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan as submitted under Section 10.00.00 of the Zoning Ordinance (One Family Residential Districts) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Hidden Creek Site Condominium, 15 units proposed, located on the east side of Ellenboro and the south side of Vanderpool, Section 22, within the R-1E zoning district, be tabled for thirty (30) days to the June 10, 2003 Regular Meeting, to allow residents, developer and City staff to address all issues.

Yeas

Kramer
Littman
Pennington
Schultz
Wright

Nays

Vleck
Waller

Absent

Chamberlain
Storrs

MOTION CARRIED

Mr. Vleck said he was not in favor of the motion because the Commission is compelled to approve a site plan that complies with City ordinances.

Mr. Waller said the Commission responded to hearsay and the professional City staff should have had the issues sorted out a long time ago. Mr. Waller asked that the record be clear that if the petitioner is in violation of clearing the subject land, that it is a Drain Commission issue and not the City's.

5. SITE PLAN REVIEW – Proposed Hidden Creek Site Condominium, 15 units proposed, East side of Ellenboro, South side of Vanderpool, Section 22 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Hidden Creek Site Condominium. Mr. Miller reported the petitioner has submitted a letter to the Commission that addresses concerns discussed at the May 13, 2003 Regular meeting. He further reported the City has no outstanding violations related to the proposed development, and it is the recommendation of the Planning Department to approve the Preliminary Site Condominium as submitted.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present.

Vice Chairman Storrs opened the floor for public comment.

Virginia Masson of 636 Vanderpool, Troy, was present. Ms. Masson stated she backs up to the lot that would be “landlocked” and noted she denied access to the developer to traverse her property in order to maintain his property. She said that property will remain in its current condition unless an engineered bridge is built. Ms. Masson said the County Drain Commissioner informed her that the developer has not requested the required permits to clean up the lot. Ms. Masson expressed her concerns with flooding. She requested that the item be tabled for another thirty (30) days so the petitioner has an opportunity to address and discuss resident concerns, which she thought was the purpose of tabling the item at the May meeting.

Mr. Miller clarified the purpose of tabling the item at the May meeting was to provide the petitioner an opportunity to address resident concerns, and noted the petitioner’s letter to the Commission addresses those concerns discussed at the May meeting. Mr. Miller explained the process of preliminary site plan approval. He stated that preliminary site plan approval does not authorize any work, but authorizes the engineering preparation of that work which comes back before the Planning Commission for review and final plat approval.

Mr. Vleck reminded the audience that in order for the petitioner to apply for any permits required by the County, the petitioner must first have preliminary site plan approval from the City.

A brief discussion followed with respect to the odd layout of the lots, lot widths and setbacks, maintenance of lots and construction of a bridge and/or culvert to gain access to lot #4.

Mr. Abitheira stated that he owns the property on both sides of the ditch, and has obtained a letter from the neighbor to enter the neighbor’s property for the purpose of maintaining lot #4. Mr. Abitheira said that he has spoken with the residents who

live on Vanderpool, on the west side of the bridge. One resident he spoke with voiced concerns with the narrow streets.

A brief discussion was held with respect to the 100-foot easement that comes onto Ellenboro.

Vice Chairman Storrs encouraged the residents to contact the Engineering Department with engineering questions relating to the proposed development, and further to address any concerns they may have with the City Council.

Mr. Miller clarified there are no detailed engineering plans prepared nor are they required at this point, but the Engineering Department would answer questions to the best of their knowledge.

The floor was closed.

Resolution

Moved by Vleck

Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 10.00.00 of the Zoning Ordinance (One Family Residential Districts) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Hidden Creek Site Condominium, 15 units proposed, located on the east side of Ellenboro and the south side of Vanderpool, Section 22, within the R-1E zoning district, be approved.

Yeas

All present (7)

Absent

Littman

Wright

MOTION CARRIED

June 5, 2003

To: The City of Troy Planning Commission

The planning commission and residents of Troy at the meeting on May 13, 2003 brought up the following items. I would like to take this opportunity and address these items.

1. Access to lot #4 to maintain the property can be done one of three ways:

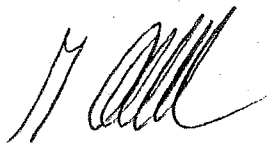
- a) Install a bridge.
- b) Install a culvert.
- c) Walk across ditch (items a & b must receive a permit from the OCDC).

Access to the property for the purpose of grass cutting is currently through a neighbor's property, with their permission.

- 2. Concerning lot#8 the city has an access road to maintain the existing detention pond. I intend to utilize the access road to maintain the property.
- 3. Vanderpool will not be opened. The developer has no desire to open Vanderpool at this time or at any time in the future.
- 4. No plans, permits or variances can be applied for to the OCDC until we get preliminary site condominium approval from the city.
- 5. We are not proposing to construct any homes within the floodplain. In a floodplain you are permitted to build accessory structures such as decks, sheds, swing sets and patios, etc. as long as a permit from the city and the DEQ is obtained.
- 6. There is no common area in the site condominiums. The streets and detention pond will be owned by the city and each homeowner is responsible for their own property. There will be no association needed for outside maintenance.

I have also enclosed letters from the Drain Commission and City Inspectors.

Sincerely,



Gary Abitheira

REC'D

JUN 06 2003

PLANNING DEPT.



KEVIN R. LARSEN
Chief Deputy Drain Commissioner
(248) 858-0981

JOHN P. McCULLOCH
OAKLAND COUNTY DRAIN COMMISSIONER
BUILDING 95 WEST
ONE PUBLIC WORKS DRIVE
WATERFORD MI 48328-1907
(248) 858-0958
FAX (248) 858-1066

WILLIAM E. KLOCKOW, P.E.
Deputy and Manager
Engineering & Construction
(248) 858-1094

DOUGLAS A. BUCHHOLZ, P.
Deputy and Manager
Operations & Maintenance
(248) 858-1119

May 20, 2002

Mr. Gary Abitheira
178 Larchwood
Troy, MI 48083

Reference: **Sturgis Drain**
Proposed Work Without a Drain Permit
Section 22, City of Troy

Dear Mr. Abitheira:

Our inspection department has recently discovered that work was being done without a permit to the Sturgis Drain, a legally established County Drain under the jurisdiction of this office. You have been ordered to CEASE AND DESIST all work until this office issues a drain permit. This office will issue a drain permit when final construction plans are received and approved. If work continues on the said project before a drain permit is issued, this office will pursue legal action to ensure the integrity of our Drain is maintained.

There is also significant soil erosion in the vicinity of the Drain, and a soil erosion permit must be obtained from the City of Troy.


Kindly submit the requested information to this office so that we may complete our review and issue the required permit. Information requested include final construction plans, including all appropriate engineering calculations and appropriate details for any and all involvements with the Sturgis Drain. Additionally, this office will require the owner of record to grant the Drainage District a new easement for the length of Drain that traverses the subject property. Please be advised that the Sturgis Drain has an 80' wide unrecorded easement. Prior to 1956, it was legally sufficient for Drain easements to be recorded with this office and not at the Clerks office. Subsequently, a routine title search would not indicate a Drain easement in this area. However, the unrecorded easement is still the legal recorded easement of record.

If there are any questions regarding this matter, please contact the undersigned of this office.

Very truly yours,

OAKLAND COUNTY DRAIN COMMISSIONER

By:


Glenn R. Appel, P.E.
Assistant Chief Engineer

INTEROFFICE COPIES:

E&C / City of Troy
E&C / Sturgis Drain File
K. Watts
J. Colaianne
E. Snowden
G. Appel
J. ISAACS

cc: City of Troy
State of Michigan Department of Environmental Quality SE MI District

CITY OF TROY
OAKLAND COUNTY, MICHIGAN
SOIL EROSION AND SEDIMENTATION CONTROL PERMIT

THIS PERMIT IS GRANTED UNDER THE PROVISIONS OF PART 91, SOIL EROSION AND SEDIMENTATION CONTROL, OF THE NATURAL RESOURCE AND ENVIRONMENTAL PROTECTION ACT, ACT 451 OF THE PUBLIC ACTS OF 1994, BEING SECTIONS 9101 TO 9123.

PERMIT NO. 02-116 PERMIT FEE: \$10.00
ISSUED: 5/21/02 EXPIRES: _____
ISSUED TO: GARY ABITHEIRA
ADDRESS: 3264 ELLENBORO
CONTACT PERSON: SAME
PHONE NO: 619-0529
SITE ADDRESS: 3264 ELLENBORO SIDWELL#: _____
LOT#: _____ SUBDIVISION: BEAVER BROOK
DESCRIPTION (SIZE) OF EARTH CHANGE: 950 SQ.FT.
FOR CONSTRUCTION OF: GARAGE (REAR) **PAID**
ESTIMATED START DATE: 5/02 MAY 23 2002

CITY OF TROY
TREASURER'S OFFICE

THE PROJECT SHALL BE COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED AND THE FOLLOWING SPECIAL PERMIT CONDITIONS:

ISSUED BY: Lance Oakley/en

FOR INFORMATION REGARDING THE ISSUANCE OF THIS PERMIT, CONTACT THE CITY OF TROY ENGINEERING DEPARTMENT AT (248) 524-3383.

*****THIS PERMIT MUST BE AVAILABLE AT PROJECT SITE*****

White/ Permit Holder
Canary/File

Green/Treasurer's Office
Pink/Inspector


Goldenrod/ Building Dept.

June 4, 2003

To whom it may concern:

On September 3, 2002 I visited the property on Vanderpool, east of Ellenboro at the request of Gary Abitheira. At that time we walked the property and Gary showed me the areas that he was going to remove. There were large areas of brush, poison ivy, poison oak, Hawthorn bushes and numerous dead trees. The area was not in the Oakland County Drain Easement. The City of Troy does not require a permit to remove trees, brush or poison ivy from your property. I was called to verify what he was doing ahead of time so there would be no confusion. I re-inspected the property after he was done and everything was done as planned.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lance M. Oakley".

Lance Oakley
Engineering Technician
City of Troy

PRINCIPALS
Gerald F. Knapp
Thomas E. Blehl
Walter H. Alix
George E. Hubbell
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Curt A. Christeson

CHIEF FINANCIAL OFFICER
J. Bruce McFarland

SENIOR ASSOCIATES

Frederick C. Navarre
Gary J. Tressel
Lawrence R. Ancypa
Kenneth A. Melchior
Dennis M. Monsere
Randal L. Ford
David P. Wilcox



HUBBELL, ROTH & CLARK, INC.
CONSULTING ENGINEERS

Attention: Dana

ASSOCIATES
Timothy H. Sullivan
Thomas G. Maxwell
Nancy M.D. Faught
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Olane
James C. Hanson
Richard F. Beaubien
Margaret Synk Kuhn
William R. Davis
James J. Aiello
Daniel W. Mitchell
Joel E. Bowdan
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Graziosi

April 4, 2003

City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Attention: Mr. Steven J. Vandette, P. E., City Engineer

Re: Hidden Creek Condominiums
Wetland Evaluation

HRC Job No. 20030239.32

Dear Mr. Vandette:

With this letter, Hubbell, Roth & Clark, Inc. is pleased to transmit the results of our site inspection and subsequent Wetland Evaluation regarding the subject site located at:

City/Village: CITY OF TROY County: OAKLAND
¼ Section: NW ¼ Section: NW Section: 22 Township (s): T. 2 N Range (s): R. 11 E
Location: SOUTH OF VANDERPOOL, EAST OF ELLENBORO
Name of Waterbodies: LONG DRAIN & STURGIS DRAIN

This evaluation was conducted in accordance with the Michigan Department of Environmental Quality (MDEQ) criteria for wetland evaluation. The three site conditions used to guide this evaluation are:

Soils – Are Wetland Soils present?

Plants – Are Wetland Plants present?

Hydrologic Conditions – Is there sufficient soil saturation present to support Wetland species?

The area in question was examined for these characteristics.

Soils: 5 separate 12" x 12" x 2' deep soil pits were examined. In all cases there was indications that the soils were not consistent with wetland soils (bright yellowish soils encountered approximately 12" to 15" deep). The upper soils were consistent with organic topsoil.

Plants: A majority of the site has been cleared by the landowner. A wetland indicator status is listed for each species observed on this site was determined using the National List of Plant species that Occur in Wetlands (Reed, 1988). The majority of these trees are not wetland species.

The vegetation that remained was examined with the following predominant species present:

Cottonwood - *Populus deltoids* (Wetland classification *Facw*, which has a 67% to 99% chance of occurring in wetlands).

Black Cherry - *Prunus serotina* (Wetland classification *Facu*, which has a 1% to 33% chance of occurring in wetlands).

Mr. Steven Vandette, P.E.
April 4, 2003
Job No. 20030239.32
Page 2

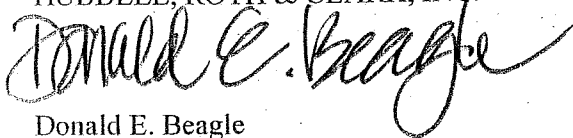
Red Oak - Quercus rubra (Wetland classification *Facu*, which has a 1% to 33% chance of occurring in wetlands).

Hydrology: The site was reviewed for hydrologic characteristics. These characteristics include watermarks on tree trunks, sediment deposits, surface ponding and overall drainage patterns. There was no evidence of soil saturation in the root zone area. The soil pits that were excavated did not expose any water or soil saturation. The open drains that parallel and transverse the site are at a depth approximately 4' below the areas and would make it difficult for soil saturation to occur.

The conclusion based upon the results of the site investigation and applying MDEQ criteria is that there are no wetland areas on this site. If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Donald E. Beagle

Attachment

pc: HRC; W. Alix, M. MacDonald, File

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a “subdivision” or a “plat”. Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. Comparisons between site condominiums and plats.

- a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.
- b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a “lot”. In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a “unit”. Each unit is surrounded by “limited common area”, which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners”. The remaining area in the site condominium is “general common area”, defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.
- c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must “look” similar.
- d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan (“plan”). A platted subdivision is created by the recording of a subdivision plat (“plat”), usually coupled with a declaration of easements, covenants, conditions and restrictions. The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

- e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.
- f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.
- g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.
- h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.
- i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

- j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.
- k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.
- l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of subdividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council

City Council reviews and approves plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - Lot dimensions
 - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site

City Council review and approval of:

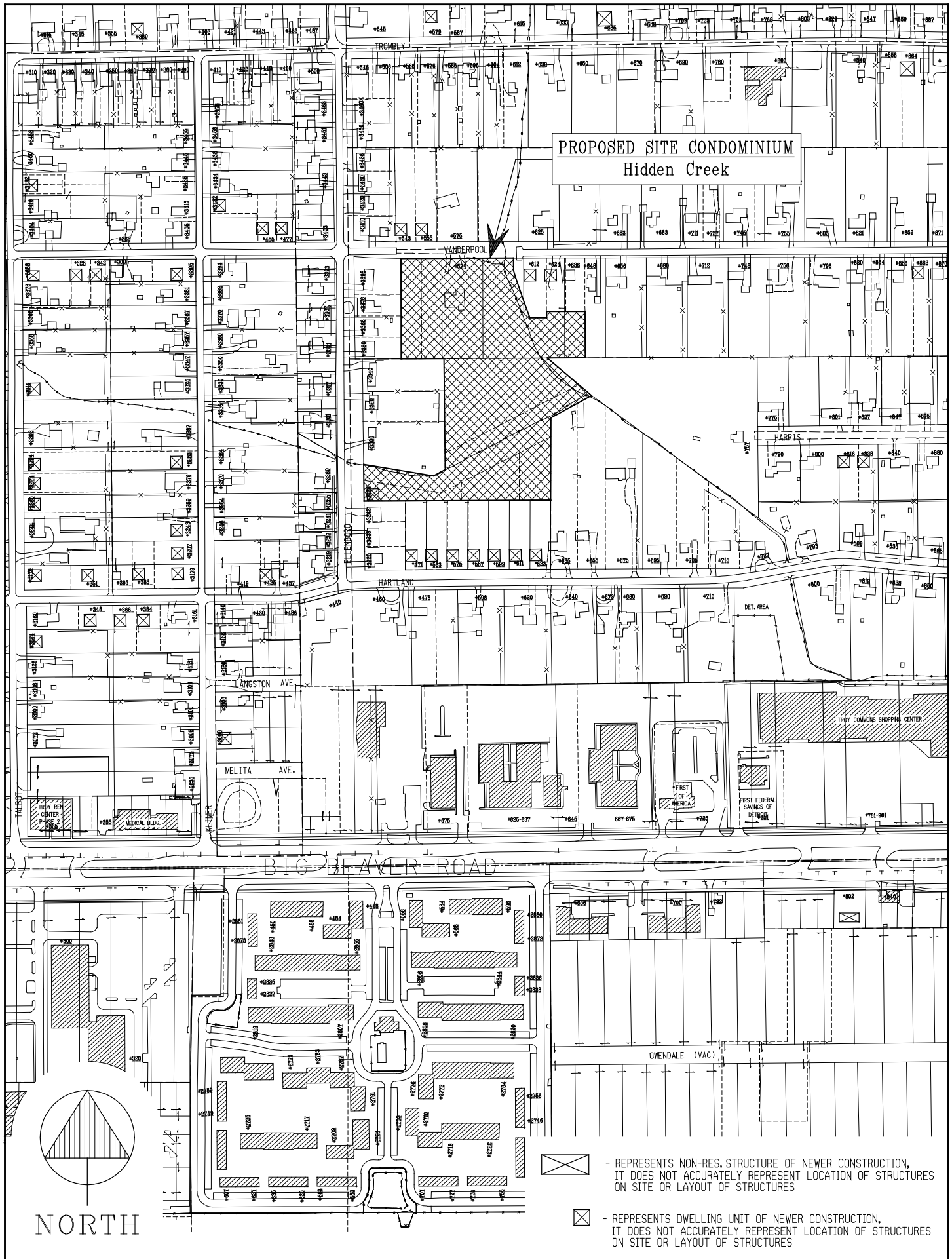
- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

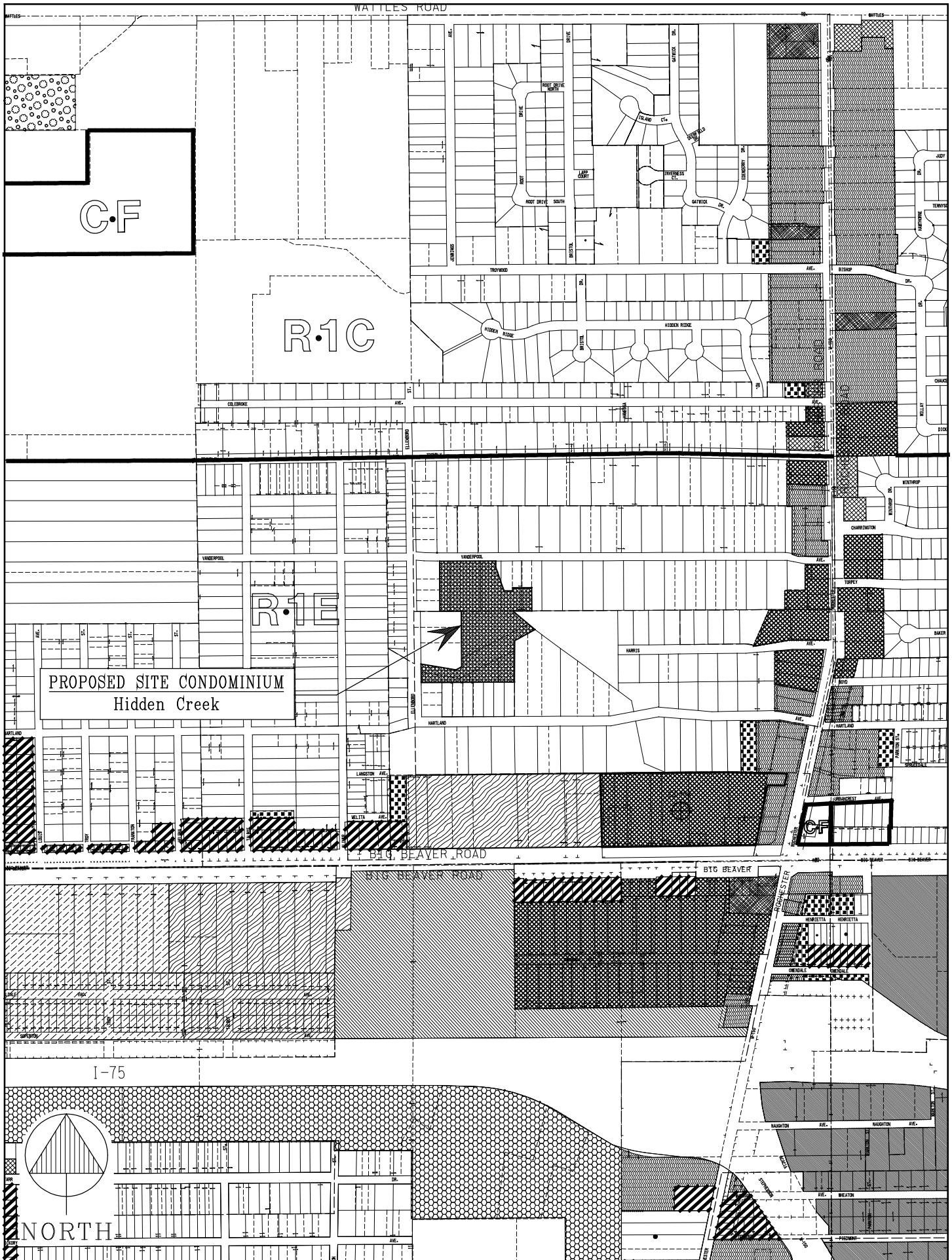
The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
 - Water mains
 - Detention / Retention basins
 - Grading and rear yard drainage
 - Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

CITY OF TROY









SITE PLAN REVIEW
HIDDEN CREEK SITE CONDOMINIUM
E SIDE ELLENBORO, S SIDE VANDERPOOL
SEC. 22 (R-1E, 14 LOTS)

SITE PLAN REVIEW
HIDDEN CREEK SITE CONDO.

0 50 100 200 300 400 Feet





June 23, 2003

OFFICIAL NOTICE TO MEMBER CITIES AND VILLAGES OF THE MICHIGAN MUNICIPAL LEAGUE

(Please present at the next Council or Commission Meeting)

President
KATE LAWRENCE
Mayor, Brighton

Vice President
MYRON FRASIER
Councilmember, Southfield

Trustees
ALEX ALLIE
City Manager, Huntington Woods

SHEILA COCKREL
Councilmember, Detroit

GRETCHEN DRISKELL
Mayor, Saline

CRAIG GIERKE
Councilmember, Escanaba

BARBARA HOLT
Mayor Pro Tem, Walker

ROBERT JONES
Mayor, Kalamazoo

KURT KIMBALL
City Manager, Grand Rapids

JAMES LEIDLEIN
City Manager, Harper Woods

THOMAS MARKUS
City Manager, Birmingham

SPENCER NEBEL
City Manager, Sault Ste. Marie

FLORENCE SCHRADER
Treasurer, Ubyly

MARGENE ANN SCOTT
Councilmember, Madison Heights

JAMES SINCLAIR
Councilmember, Rogers City

JOEL THOMPSON
Mayor, Otsego

MARTY WAZBINSKI
Mayor Pro Tem, Midland

JOSEPH YUCHASZ
Village President, Elk Rapids

Executive Director
GEORGE D. GOODMAN

Dear Official:

The annual meeting of the members of the Michigan Municipal League will be held in Detroit, September 17-19, 2003. The business session is scheduled for 10:45 a.m. on Wednesday, September 17, at the Detroit Renaissance Center. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each.
2. Policy. To vote on statements of policy and resolutions properly brought before the annual meeting.
3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than August 27, 2003.

In connection with the designation of an official representative of the member to the annual meeting, your attention is invited to the following provisions of the Bylaws of the Michigan Municipal League:

"Section 4.4 - Votes of Members. Each member city and village shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member city or village as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.

A member of the National League of Cities

Web Address
www.mml.org

Headquarters Office
1675 Green Road, P.O. Box 1487
Ann Arbor, MI 48106-1487
Phone: 734-662-3246
Fax: 734-662-8083

Lansing Office
320 N. Washington Square, Suite 110
Lansing, MI 48933-1288
Phone: 517-485-1314
Fax: 517-372-7476

Northern Field Office
200 Minneapolis Avenue
Gladstone, MI 49837-1931
Phone: 906-428-0100
Fax: 906-428-0101

Election of Trustees

In connection with election of officers, under Section 5.3 of the Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

Resolution

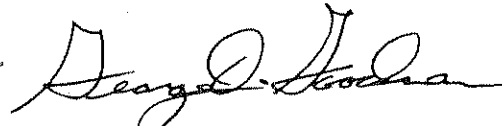
In connection with consideration of resolutions and statements of policy, under Section 4.5 of the Bylaws of the League, the Board of Trustees acts as the Resolutions Committee, and no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is submitted to the meeting by the Board of Trustees. The proposed Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be printed and distributed prior to the Convention, to permit governing bodies of member cities and villages to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Tuesday, September 16, at the Renaissance Center in Detroit for the purpose of considering such other matters as may be requested by the membership.

Sincerely,



Kate Lawrence
President



George D. Goodman,
Executive Director

GDG/dw
Enc.

June 27, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Section 1 Golf Course Name

As directed by City Council, a special meeting of the Parks and Recreation Advisory Board was held on June 26, 2003 to choose a name for the new golf course, which includes the word "Sanctuary."

Discussion about possible names resulted in no consensus but that any of four options would be acceptable.

As such, the following action was taken:

A motion by Tom Krent, supported by Doug Bordas, to recommend that City Council choose any name for the new golf course from the following:

1. Sanctuary Hills Golf Club
2. Emerald Hills Sanctuary Golf Club
3. Nature Sanctuary Golf Club
4. Sanctuary Lake Golf Club

Ayes: All

Nays: None

MOTION CARRIED

Tonni L Bartholomew

From: John Szerlag
Sent: Thursday, June 12, 2003 9:26 AM
To: 'Dave Lambert'
Cc: Tonni L Bartholomew; Lori G Bluhm; Laura A Fitzpatrick
Subject: RE: Council Comment Request

Hi Dave:

As we discussed, your request will be placed under Council Comments. Laura will call Birmingham to get their policy.

John

-----Original Message-----

From: Dave Lambert [mailto:Dave@Lambert.net]
Sent: Wednesday, June 11, 2003 9:30 AM
To: City of Troy: Szerlag (2); City of Troy:Lori Bluhm
Subject: Council Comment Request

John & Lori:

If it's not too late, I would like to have an item included on the agenda for the June 16 meeting.

Under Council Comments, I would like to request that City staff draft a policy allowing private groups to have religious displays in front of City Hall.

For background information, can we check with Birmingham on their policy?

Thanks!

Dave Lambert
E-Mail: dave@lambert.net
Web Site: www.LambertOnline.org

DANIEL C. DEVINE, SR.
LAWRENCE R. TERNAN
STEPHEN W. JONES
FRANK S. GALGAN
KENNETH J. SORESEN
JEFFREY K. HAYNES
MARK W. HAFELI
TIMOTHY J. CURRIER
MARY T. SCHMITT SMITH
JOSEPH F. YAMIN
JOHN D. STARAN
LAURA M. HALLAHAN
PHYLLIS AIUTO ZIMMERMAN
P. DANIEL CHRIST
PATRICIA E. KEFALAS DUDICK
THOMAS V. TRAINER
LAUREN M. UNDERWOOD
MICHAEL C. GIBBONS
MICHAEL P. SALHANEY
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MARY M. KUCHARAK
L. RIDER BRICE, III
ELIZABETH L. LUCKENBACH
JEFFREY S. KRAFT
TIMOTHY P. BERGLUND
KEITH C. JABLONSKI
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beierhowlett.com

October 24, 2002

Birmingham City Commission
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: Opinion –Menorah display in Shain Park

Dear Commissioners:

I am in receipt of a copy of the Special Event Permit that was filed by the Birmingham-Bloomfield Chai Center. The Chai Center has filed the permit with the City of Birmingham seeking to erect an "outdoor giant menorah lighting for Hanukkah" in Shain Park. We have reviewed the permit request and applicable case law for potential legal challenges.

The City Attorney's office offers this opinion letter regarding the proposed permit request so as to bring to light several potential Constitutional challenges to the request and the proposed use of the park.

After reviewing the proposed permit request for any and all Constitutional issues, I have found numerous potential Constitutional issues. The purpose of this letter is my attempt to identify and explain those Constitutional issues so that through the hearing process, an informed decision can be made. In a nutshell, I find there are numerous potential Constitutional issues, but if the menorah is displayed in a secular fashion, such a display is Constitutional.

I have received and reviewed an email from Rabbi Yachanan Polter, from the Chai Center. Rabbi Polters' email attached a link to the United States Supreme Court opinion in Allegheny v Greater Pittsburgh ACLU, 492 US 573 (1989). Rabbi Polters' interpretation of that case has led him to the erroneous conclusion that a menorah is not a "religious symbol". As will be discussed below, Rabbi Polters' interpretation of the ruling in Allegheny regarding the religious identification of a menorah is wrong. However, his reliance upon that case and its progeny is well placed.

Birmingham City Commission

Page 2

October 24, 2002

SHAIN PARK

The City of Birmingham owns Shain Park in the City of Birmingham. The location of the park is directly across Henrietta Street from the Birmingham City Hall. City Hall houses the seat of government for the City of Birmingham including the Police Department, Mayor's Office, City Manager, City Clerk, Treasurers Office, and City Commission. The park has been used as a public park and forum. Events such as carnivals, art fairs, musical concerts and entertainment programs are scheduled there on a regular basis. The park is regulated by the City on a content neutral basis utilizing a Special Event Permit request.

There are several secular holiday events currently planned for Shain Park during the 2002 holiday season. The Holiday Tree Lighting will occur in Shain Park on November 21, 2002. The Santa House opens in the Park on November 22, 2002 through December 23, 2002. Additionally, the City sponsors Holiday Visions, Breakfast with Santa, and First Night.

SPECIAL EVENT PERMIT

The Special Event Permit request requires basic information to be supplied to the City such as the name of the organization seeking to use the park, insurance requirements as well as the type of event and a number of questions seeking to preserve the health, safety and welfare of the residents of the city. Every organization seeking to use City property, including Shain Park, is required to fill-out and return the Special Event Permit request. The Birmingham City Commission then reviews and either grants or denies the permit.

CHAI CENTER SPECIAL EVENT PERMIT REQUEST

The Birmingham-Bloomfield Chai Center filed a Special Event Permit with the City on August 27, 2002. The Chai Center seeks to use Shain Park on Wednesday December 4, 2002 from 6:00 pm through 7:00 pm. The Center wants to erect a 10 foot tall menorah in Shain Park and conduct a 20-minute lighting celebration in the park, and then move the rest of the celebration to the Baldwin Library. The candles on the menorah will be extinguished when the celebrants move to the library. It is anticipated that the menorah lighting celebration will attract approximately 100 people. The Permit application is not clear as to whether the menorah will then be removed immediately following the celebration, or if it will remain for a period of time during the holiday season.

FIRST AMENDMENT

The First Amendment to the United States Constitution states, in part, as follows:

Birmingham City Commission

Page 3

October 24, 2002

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof".

This amendment is better known as the Establishment Clause. The United States Supreme Court gave the following summary of the Establishment Clause:

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support and religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice versa*".

Everson v Board of Education of Ewing, 330 US 1, 15-16 (1947).

The Supreme Court sought to refine the above principles in a series of rulings that followed its decision in Everson. In 1971 the High Court revisited the Establishment Clause, and developed a three-part test for determining whether a government practice violates the Establishment Clause in Lemon v Kurtzman, 403 US 602 (1971). Under the Lemon analysis, a statute or practice which touches upon religion, if it is to be permissible under the Establishment Clause,

1. Must have a secular purpose;
2. It must neither advance nor inhibit religion in its principle or primary effect;
3. And it must not foster an excessive entanglement with religion.

Lemon, at 612-613.

The Supreme Court further refined it's analysis with its ruling in Lynch v Donnelly, 456 US 668 (1984). In Lynch, the majority agreed upon the relevant

Birmingham City Commission

Page 4

October 24, 2002

constitutional principles: the government's use of religious symbolism is unconstitutional if it has the effect of endorsing religious beliefs, and the effect of the government's use of religious symbolism depends upon its context. Allegheny v Pittsburgh ACLU, 492 US 573 (1989) citing Lynch, *Supra*.

ALLEGHENY v PITTSBURGH ACLU

This case involved the constitutionality of two recurring holiday displays located on public property in Pittsburgh. The first is a crèche placed on the Grand Staircase of the Allegheny County Courthouse. The second is a Chanukah menorah placed next to a Christmas tree just outside the City-County Building and a sign saluting liberty.

The Holy Name Society, a Roman Catholic group, owned the crèche and the County permitted them to display the crèche each holiday season in the courthouse. Above the crèche was a sign that read "Glory to God in the Highest".

Outside of the City-County Building, the City had a long-standing tradition of erecting a 45-foot Christmas tree during the holiday season in the middle arch of the building. The tree was decorated with lights and ornaments. Below the tree was a sign entitled "Salute to Liberty". Next to the tree was an 18-foot Chanukah menorah. Chabad, a Jewish group, owned the menorah.

The Court ruled that the crèche, itself, is a religious symbol capable of communicating a religious message. *Id.* at 598. Under the analysis of Lynch, the effect of a crèche display turns on its setting. There were no other holiday displays near it and it occupied the Grand Staircase of the building. As the Court opined, "No viewer could reasonably think that it occupies this location without the support and approval of the government". *Lynch* at 599-600. Therefore, the Court ruled that the crèche display by itself violated the Establishment Clause.

The Christmas tree in front of the courthouse was ruled as being a secular display of the Christmas season, and not a religious symbol. Allegheny at 616. Contrary to Rabbi Polter's reading of the case, the High Court ruled that a menorah is a religious symbol. "The menorah, one must recognize, is a religious symbol: it serves to commemorate the miracle of the oil as described in the Talmud". Allegheny at 613. However, the court further ruled, "...the menorah's message is not exclusively religious. The menorah is the primary visual symbol for a holiday that, like Christmas, has both religious and secular dimensions". *Id.* at 613-614.

Therefore, the relevant question for Establishment Clause purposes is "whether the combined display of the tree, and sign, and the menorah has the effect of endorsing both Christian and Jewish faiths, or rather simply recognizes that both Christmas

and Chanukah are part of the same winter-holiday season, which has attained a secular status in our society". *Id.* at 616. The Court ruled that for purposes of the Establishment Clause, the display of the tree and menorah in its setting and context conveyed a secular message recognizing the different traditions for celebrating the winter-holiday season.

However, there is a very important footnote in the Allegheny decision. There was left unresolved the question of whether the menorah would violate the Establishment Clause if there was a ceremony that accompanied its lighting. "In addition, nothing in this opinion forecloses the possibility that on other facts a menorah display could constitute an impermissible endorsement of religion. Indeed, there is some evidence in this record that in the past Chabad lit the menorah in front of the City-County Building in a religious ceremony that included the recitation of traditional religious blessings". Allegheny, Footnote 70, page 621.

CAPITOL SQUARE v PINETTE

In a more recent opinion, the United States Supreme Court ruled on facts very similar to the current Special Event Permit now under consideration by the Commission. The capitol of Ohio is the City of Columbus. The State owned a square as a forum for public activities. To use the square, a group must simply fill out an official application form and meet several criteria, which concern primarily safety, sanitation, and non-interference with other uses of the square, and which are neutral as to the speech content of the proposed event.

The State sponsored a Christmas tree lighting event in the square. A private group would also use the square to erect a menorah during Chanukah. The Ku Klux Klan sought application approval to erect a cross during the holiday season as well. The City denied that application, citing the Establishment Clause.

Justice Scalia, writing for the majority, ruled, "there is a crucial difference between *government* speech endorsing religion, which the Establishment Clause forbids, and *private* speech endorsing religion, which the Free Speech and Free Exercise Clauses protect". Capitol Square, at 765. Justice Scalia further found that the proposed display of the cross was a private expression of religion. "Our precedent establishes that private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression". *Id.* at 759.

The focus of the Capitol Square analysis is best described as follows: "The right to use government property for one's private expression depends upon whether the property has by law or tradition been given the status of a public forum, or rather has been reserved for specific official uses". *Id.* at 761. Moreover, "Religious expression cannot

Birmingham City Commission

Page 6

October 24, 2002

violate the Establishment Clause where it (1) is purely private and (2) occurs in a traditional or designated public forum, publicly announced and open to all on equal terms.

In the Capitol Square case, the Court ruled that the state did not sponsor the religious expression, the expression was made on government property that had been open to the public for speech, and permission was requested through the same application process and on the same terms required of other private groups.

ANALYSIS

The facts of the Special Event Permit application currently under consideration is analogous to the facts in the above two cases. The menorah display has been ruled a religious symbol, although it has secular as well as religious meaning. Simply displaying the menorah along with a Christmas tree, given the specific setting, has been ruled a secular display of the winter-holiday celebration tradition. Additionally, the menorah is proposed to be erected by a private group on public land that has been traditionally been used as a public forum. As long as the menorah is displayed in a secular fashion it will not be in violation of the Establishment Clause. However, pursuant to footnote 70 of the Allegheny opinion, any type of religious blessing or ceremony may violate the First Amendment.

Our conclusions regarding this proposed display is consistent with this Commission's resolution in 1996 to restrict holiday music over the City's public address system. In that Commission action, the Commission approved secular holiday music to be played over the PA system. Religious music was removed so as to not violate the restrictions of the Establishment Clause.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

BEIER HOWLETT, P.C.

Michael P. Salhaney

MPS/jc

Enclosures

Council Comments B

To: Mayor and City Council
Cc: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney

From: Robin Beltramini, Council Member

Subject: The rest of the Civic Center site

Date: June 19, 2003

In January, Council committed to looking at the whole Civic Center site, with citizen input, concurrent with the proposal for using some acreage for a conference center and hotel. I believe that it is important to begin that process as soon as possible. It is absolutely imperative that we, as a community, know that there is enough land for all venues of interest. If there is not, there must be a prioritization of those interests. Without this knowledge, any vote to allow land use for a conference center and hotel is taken in a vacuum. Also, should the voting public believe that a conference center and hotel is in the best interests of the City, any RFP responder would be well served to offer us a partnership in development toward these ancillary, resident-based amenities. I propose the following process:

July 7 – Council formally asks for suggestions of delegates to the Civic Center Priority Committee. I would suggest one member (suggested by these respective boards) from each of: Board of Zoning Appeals, Downtown Development Authority, Parks and Recreation Board, Planning Commission, Traffic Committee, Historical Commission, Advisory Committee for Persons with Disabilities, and the Advisory Committee for Senior Citizens. Additionally, I would recommend a youth member, but hesitate to make this a member of the TYC because of the problems that group has had getting quorum to their own meetings.

Originally, I had thought that we should appoint community members at large as well. However, upon reflection, deciding who would be objectively representative of the community in the process would be an impossible task for us. And, those groups that have been vocal throughout this process, such as Troy Citizens United and Troy Shareholders, hold memberships on the boards/committees included above. Therefore, I believe that all voices can be heard by utilizing members of the representative city boards and committees already in place with experience and training in land use, circulation, preservation, recreation, and special needs.

July 21—Council appoints the Civic Center Priority Committee. Staff liaison is appointed by the City Manager. Upon appointment, all members of the CCPC will be furnished a copy of the Troy Futures Report and the report of the OTHSTF.

August 2003—The CCPC begins meetings, at least monthly. All meetings will be subject to the OMA, including a generous “Public Comment” portion where individuals can offer input. These meetings need to be recorded and televised on WTRY at least once every two weeks.

February 2004—CCPC report of priorities returned to City Council for publication and comment.

John Szerlag

From: John Szerlag
Sent: Monday, June 23, 2003 3:42 PM
To: 'R Beltramini'
Cc: Carol K Anderson
Subject: RE: Civic Center Priority committee, more

Hi Robin:

I'll have Carol include your note along with the request to develop a Civic Center site committee for the Parks and Rec board meeting this Thursday.

Have a good time.

John

-----Original Message-----

From: R Beltramini [mailto:rbeltram@hotmail.com]
Sent: Monday, June 23, 2003 2:06 PM
To: david@eisenbacher.org; talk2cristina@aol.com; mfhowryl@umich.edu;
matt@mattpryor.org; dave@lambertononline.org; stinejm@wwnet.net;
szerlagaj@ci.troy.mi.us; bluhmlg@ci.troy.mi.us
Subject: Civic Center Priority committee, more

Hello,

In my zeal to get the information out, I was not very articulate in the mission of this committee. For clarification, I believe that this committee needs to evaluate and prioritize the potential public elements for the site.

In their deliberations, I see them looking to the entire site minus the current developed areas and the area carved out for the conference center and hotel. That way, we will have a realistic, prioritized list to use as a plan of action for the City and/or as a potential point of negotiation with RFP responders. If the voters of Troy feel that it is not in the best interests of the City to allow a conference center and hotel on this site, we will have a prioritized list of amenities, and more land on which to locate them. It will be much easier to expand into an area than it would be to scale back a plan.

I wish you all a happy and safe Fourth of July--and a great celebration! I have had plans for two years to be out of town with friends. I leave Wednesday, June 25 and will return July 5.

Robin Beltramini
Council Member
City of Troy

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Meeting Minutes

A meeting of the Downtown Development Authority was held on Wednesday, March 19, 2003, in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. The meeting was called to order at 7:30 a.m.

PRESENT: Michael Culpepper
Stuart Frankel
Michele Hodges
Alan Kiriluk
Daniel MacLeish
Carol Price
Matt Pryor (arrived @7:33 a.m.)
Douglas Schroeder
Harvey Weiss
G. Thomas York

ABSENT: William Kennis
Clarke Maxson
Ernest Reschke

ALSO PRESENT: John Szerlag
Gary Shripka
John Lamerato
Doug Smith
Lori Grigg Bluhm
Mark Miller

APPROVAL OF MINUTES

Resolution: 03-06
Moved by: Hodges
Seconded by: Price

RESOLVED, That the minutes of the February 19, 2003 regular meeting be approved.

Yeas: All (9)
Absent: Kennis, Maxson, Pryor, Reschke

OLD BUSINESS

Update on Civic Center Project

John Szerlag gave an update on the Civic Center project.

NEW BUSINESS

Investment Criterion for Future DDA Projects

The Board reviewed and made several amendments to the proposed guidelines for future DDA projects. The revised guidelines will be reviewed and adopted at a future meeting.

K-Mart Corporate Sculpture

The Board was presented with an option to fund the move and placement of the K-Mart donated corporate sculpture. This item was then withdrawn.

PUBLIC COMMENT

A citizen addressed the Authority.

EXCUSE ABSENT MEMBERS

Resolution: 03-07

Moved by: Culpepper

Seconded by: MacLeish

RESOLVED, That Kennis, Maxson, and Reschke be excused.

Yeas: All (11)

Absent: Kennis, Maxson, and Reschke

The meeting was adjourned at 8:30 a.m.

Next Meeting: May 21, 2003 @ 7:30 a.m.

Alan Kiriluk, Chairman

John M. Lamerato, Secretary/Treasurer

JL/pg

FINAL
BROWNFIELD REDEVELOPMENT AUTHORITY
MINUTES
APRIL 17, 2003

The meeting was called to order at 3:05 p.m. at Troy City Hall, Conference Room C, Troy City Hall.

Members Present: Art Cotsonika, Lawrence Goss, Katherine Lee (arrived @ 3:05 p.m.), Victor Lenivov, Robert Swartz, Lon Ullmann, Bruce Wilberding

APPROVAL OF MINUTES

Resolution #03-01

Moved by: Swartz

Seconded by: Lenivov

Corrections were suggested as follows:

The erroneous designation from the signature line for Robert Swartz needs to be deleted.

Amendment to the date of the next scheduled meeting should be January 17, 2003, even though this meeting was subsequently postponed.

Resolved, that the minutes of December 12, 2002 be approved as amended.

Yeas: All (6)

Absent: Lee

OLD BUSINESS

- A. Doug Smith updated the Authority on MASCO's continued work with Michigan Department Environmental Quality (MDEQ) to determine ultimate liability regarding Brownfield Plan #3. Mr. Smith indicated that when this issue is resolved, it will be brought back to the Brownfield Authority. Both sides seem confident that a resolution was in the near future, and it is not clear if there is any further action required by the Troy BRA.

- B. Members had a thorough discussion about the millage rates and taxation for BRA. A request was made by Mr. Lenivov to have the real property column include a breakdown between commercial and residential.
- C. Mr. Smith provided an update on the SmartZone for the Authority members. In addition, Mr. Smith indicated he would provide the members a map of the SmartZone and a brief overview of the SmartZones for their records.

Mr. Lenivov inquired about the progress at the Stanley Door building and Mr. Smith brought members up to date. The members indicated they would like a tour of the facility. Mr. Smith indicated he would try to set up a tour for the next BRA meeting for the members

Mr. Lenivov was concerned about the Troy BRA website, since he had difficulty accessing it. Mrs. Bluhm indicated that the City has an internal web master who is revising the City's web page, and that sites were all being worked on and hopefully within a month there would be access to the upgraded sites, including the Brownfield site.

NEW BUSINESS

A. Amendments to Bylaws

Resolution #03-02

Moved by: Lenivov

Seconded by: Goss

Suggested revisions to the bylaws include the following:

Section 6 after the word Board "shall be held quarterly or", in the 6th line after the word quarter, to strike " but after May 1st" and in Section 8; subsection C, to strike after the word meeting the words "to be the Board's first regular meeting in January".

Resolved, that the Bylaws be approved with amendments.

Yeas: All (7)

Absent: none

Mr. Lenivov had other suggestions that Mrs. Bluhm would research before the next meeting in Sections 5, 6, and 9.

B. Election of Officers

Resolution #03-03

Moved by: Lenivov

Seconded by: Swartz

Resolved, that the current officers be re-elected for a term of one year;
Chairman, Bruce Wilberding, Vice Chair, Art Cotsonika, and Secretary and
Treasurer, Doug Smith.

Yeas: All (7)

Absent: none

C. Annual Meeting Calendar

Resolution #03-04

Moved by: Swartz

Seconded by: Cotsonika

The following discussion occurred:

The annual meeting schedule should start with July and run through next April.

The incorrect designation of Troy City Council should be replaced with the Troy
BRA and Mr. Smith should be listed as Secretary and
Treasurer, Troy BRA on it rather than Real Estate and Development Director
Title. Also, the 3:00 p.m. time of the meetings should be included.

The meeting schedule shall be as follows:

July 17, 2003

October 16, 2003

January 15, 2004

April 15, 2004

Resolved, that the annual Troy BRA meeting schedule be approved.

Yeas: All (7)

Absent: none

There was no Public Comment

The meeting was adjourned at 4:25 p.m.

The next meeting scheduled is July 17, 2003

Bruce Wilberding, Chairman

Doug Smith, Secretary and Treasurer

BRA Minutes 04-17-03

LIBRARY ADVISORY BOARD MINUTES - FINAL

MAY 1, 2003

ITEM # 1 Joanne Allen, Vice-Chairman, called the meeting to order at 7:30 P.M., on Thursday May 1, 2003.

ITEM # 2—ROLL CALL PRESENT: Joanne Allen
Lynne Gregory
Nancy Wheeler
Audre Zembrzuski
Steve Zhang, Student Representative

STAFF: Brian Stoutenburg, Library Director

ITEM # 3 APPROVAL OF MINUTES OF MEETING OF APRIL 10, 2003

Motioned by Wheeler
Supported by Gregory

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 10, 2003 AS CORRECTED.

Yeas: 4 — Ayes. Allen, Gregory, Wheeler, Zembrzuski

ITEM # 4 APPROVAL OF AGENDA

Motioned by Gregory
Supported by Zembrzuski

MOVED, TO APPROVE AGENDA

Yeas: 4 — Ayes. Allen, Gregory, Wheeler, Zembrzuski

ITEM #5 — POSTPONED ITEMS

None

ITEM #6 REGULAR BUSINESS

The Board toured the new Teen Resource Center of the Library at the end of the meeting.

ITEM #7 — REPORT AND COMMUNICATIONS

Director's report:

Quotes are being received for replacing the floor covering in the entryways, interior signs, and interior painting. The Volunteer Recognition Tea is scheduled for Sunday

May 4, 2003 at 1:30 P.M. Performance appraisals have been completed for full time employees and with few exceptions we have an outstanding staff.

Board Member comments.

Zembrzuski asked for a report that would show the comparison of library usage by residents and non-residents. Wheeler asked that Troy residents be considered first for classes at the library. This is in the works for programs beginning in the fall. Allen reported that Council Members recently took time to record items for the Blind and Dyslexic.

Friends of the Library

The Annual Meeting is scheduled for May 20 at 7:00 P.M. The Friends Bookstore will be open on Sunday afternoon soon.

Monthly Reports (April). Due to the early meeting date this month, reports were not ready and will be sent to Board members later in the month.

Staff Changes.

New Employees: Nyama Reed Substitute Librarian

Resigned: Denise Howard, Substitute Librarian; Sandra Virga, Page.

Gifts.

One gift of \$50.00 was received.

Informational Items.

May TPL Calendar

Contacts and Correspondence.

17 written comments from the public were reviewed.

Public Participation. There was no public participation.

The Library Advisory Board meeting adjourned at 8:10 P.M.

Respectively submitted,

Brian Stoutenburg
Library Director

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on May 6, 2003, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present

Gary Chamberlain
Lawrence Littman
Robert Schultz
Mark J. Vleck
David T. Waller

Absent

Dennis A. Kramer
Cindy Pennington
Walter Storrs
Wayne Wright

Also Present

Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution

Moved by Chamberlain

Seconded by Schultz

RESOLVED, that Mr. Kramer, Ms. Pennington, Mr. Storrs and Mr. Wright be excused from attendance at this meeting.

Yeas

All present (5)

Absent

Kramer
Pennington
Storrs
Wright

MOTION CARRIED

2. MINUTES

April 8, 2003

Resolution

Moved by Vleck

Seconded by Schultz

RESOLVED to approve the April 8, 2003, Planning Commission Regular Meeting minutes as published.

Yeas
Littman
Schultz
Vleck
Waller

Abstain
Chamberlain

Absent
Kramer
Pennington
Storrs
Wright

MOTION CARRIED

April 22, 2003

Mr. Chamberlain requested that his comments under the Good of the Order on page 13 be revised to state: "Mr. Chamberlain suggested that the cellular tower used by the Police and Fire Departments for emergency communications is a good prototype with respect to size and height for providing emergency communications throughout the City, and noted that with the changing times, there are other means for effective communications."

Resolution

Moved by Chamberlain

Seconded by Vleck

RESOLVED to approve the April 22, 2003, Planning Commission Special/Study Meeting minutes as corrected.

Yeas
All present (5)

Absent
Kramer
Pennington
Storrs
Wright

MOTION CARRIED

3. PUBLIC COMMENT

There was no one present who wished to speak.

4. PLANNING AND ZONING REPORT

Mr. Savidant reported the following items:

- A lawsuit has been filed by Jimmy Isso, the petitioner for a rezoning request for a proposed gas station on the northwest corner of Wattles and Dequindre that was denied by City Council.

- Oakland Mall is requesting another parking variance for an additional 88 parking spaces to accommodate a 4,000 square foot Krispy Crème Donut store; the item is tentatively scheduled for the June 2, 2003 City Council meeting.
- Pine Creek Ridge Site Condominiums and Maplewood Site Condominiums were approved by City Council at their April 28, 2003 meeting.
- City Council is holding a Study Session on Tuesday, May 13, 2003 to discuss financing options for the Civic Center.
- Participation in the Automation Alley SmartZone and the Local Development Finance Authority were approved by City Council at their May 5, 2003 meeting.

Chairman Littman announced the Planning Commission's work program is an agenda item for review and approval by City Council at their May 12, 2003 meeting.

5. SUB-COMMITTEE REPORTS

Amateur Radio Antenna – No report.

Gateway

Mr. Savidant reported that the Gateway Committee met with a representative of Professional Engineer Associates (PEA) with respect to gateway treatment for the proposed Sterling Corporate Center PUD. The PEA representative will provide examples of proposed gateway signage in the near future. Mr. Savidant also circulated pictures of gateway signs in Denver, Colorado and Kalamazoo, Michigan.

Special Use – No report.

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Savidant reported that Mr. Jackson of 3035 Daley brought to the Planning Department's attention that the City proposes to widen westbound Big Beaver, south of the proposed development. The Engineering Department has confirmed that the road widening is projected for the year 2005. As a result, the landscape berm originally designed by the petitioner had to be modified to accommodate the road widening. Mr. Savidant reported that the petitioner has provided to the Commission a revised landscape plan and a user-friendlier grading plan.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed “before and after” landscape renderings, and noted that the proposed widening greatly impacts the landscaping and resulted in a less elaborate landscape plan. Mr. Donofrio also detailed the final grading plan.

Mr. Chamberlain remarked that it is unfair to both the Planning Commission and the petitioner to receive findings such as this at the 11th hour.

Mr. Donofrio circulated various building materials and noted that additional materials would be available for examination at the May 13, 2003 Public Hearing. Mr. Donofrio confirmed that a report relating to homeowner comments would also be available at the May 13, 2003 Public Hearing.

7. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

The Planning Commission viewed the *Amateur Radio Today* video narrated by Walter Cronkite.

8. AMERICAN PLANNING ASSOCIATION – National Conference Report

Mr. Waller and Mr. Savidant reported favorably on their attendance at the American Planning Association National Conference held in Denver, Colorado.

9. ORDINANCE REVISION DISCUSSION – CR-1 One Family Cluster (ZOTA #200)

Mr. Savidant said the Planning Department recommends a complete overhaul of the cluster ordinance and asked for direction from the Commission.

After a short discussion, it was the consensus of the Commission to create a sub-committee comprising Mr. Chamberlain, Mr. Waller and Mr. Savidant.

As a side, Chairman Littman asked Mr. Vleck to initiate a Tree Preservation sub-committee meeting.

10. MICHIGAN PLANNING AND ZONING LAWS – Questions and Answers

Ms. Lancaster reviewed the Michigan Planning and Zoning Laws and noted that (1) the Municipal Planning, Act 285 of 1931 relates to the creation of a Planning Commission; (2) the City and Village Zoning Act, Act 207 of 1921 relates to the Planning Commission duties and responsibilities; and (3) the Land Division Act, Act 288 of 1967 relates to Planning Commission terminology.

Mr. Savidant referenced two points of interest in the legislation presented: (1) page 12 of the City Village and Zoning Act with respect to enabling legislation for the purchase of development rights (PDR) to save farm land and (2) page 6 of the Municipal Planning, Act 285 of 1931 with respect to approval of capital improvements by a Planning Commission.

A brief discussion followed.

11. BYLAWS

Ms. Lancaster reviewed the minor revisions made to the Bylaws as discussed at the April 1, 2003 Special/Study meeting.

A short discussion followed, primarily with respect to limiting the time of speakers at a public hearing. It was the consensus of the Commission to delete any references to time limits for speakers.

Mr. Waller suggested that the Bylaws be posted on the Planning Commission website, and further that the following paragraph be appropriately incorporated in the Bylaws:

“The intent of the Troy Planning Commission shall be to understand and follow and live by all the rules and powers given to it by the State of Michigan Municipal Planning Act, Public Act 285 of 1931, as amended, the Zoning Enabling Act, Public Act 207 of 1921, as amended, and the Open Meeting Act, Public Act 267 of 1976, as amended, and the City of Troy Charter and Ordinances.”

Ms. Lancaster noted additional minor revisions and will provide the revisions in final format at the June 3, 2003 Special/Study Meeting.

12. REVIEW OF MAY 13, 2003 REGULAR MEETING

Mr. Savidant reported that the Planning Department has received numerous phone calls with respect to the rezoning request (Z-689) for a proposed car wash located north of Maple, east of Livernois.

A discussion was held on the proposed Rochester Commons PUD-2 and Sterling Corporate Center PUD-3 with respect to their justifications in meeting the PUD criteria, their proposed amenities to the City and their quality of building materials.

13. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Waller referenced the Lord & Taylor article in the *Troy-Somerset Gazette* that relates to parking requirements and noted that it is the Planning Commission's responsibility to assure that the City's current parking requirements are reasonable.

Mr. Schultz noted an interesting slant on the Lord & Taylor article with respect to granting a parking variance to maintain the viability of Oakland Mall. Also, Mr. Schultz gave a report on his attendance at the Training Program for Planning Commissioners, ZBA members and other elected officials presented by the Michigan Society of Planning.

Mr. Chamberlain stated that the training classes are also offered at the annual conferences held by the Michigan Society of Planning.

Ms. Czarnecki announced that the deadline to purchase tickets for the May 20th retirement party for Tony Pallotta is May 8.

Ms. Lancaster announced that relevant homeowners are suing both the City and the developer of the Freund Site Condominium development, citing that the City is responsible for the State review of site condominiums.

Mr. Savidant requested the name of the person who assisted Mr. Vleck at the Engineering Department counter when Mr. Vleck sought information on utility companies spray painting paver bricks within the City. Mr. Savidant said that City Management would like to look into the matter.

Mr. Vleck replied that he would provide the name to the Planning Department, and noted the Engineering Department offered him no assistance in the matter.

Ms. Lancaster reported that Mr. Miller provided the Commission with background information relating to the cross access easement between the Charleston Club and Harrington Park condominium complexes. She stated it appears the Planning Commission has a defensible position based upon the agreement reached with the developer and suggested that the Commission authorize the City Attorney's office to pursue the matter. Ms. Lancaster agreed to provide the Commission with draft language to authorize the City Attorney's office to look into the matter.

Chairman Littman and Mr. Waller reported that there has been a history of car dealerships changing their site plans without seeking approval from the Planning Commission.

Mr. Savidant stated he would look into the matter.

Chairman Littman requested that Mr. Savidant prepare a draft resolution for City Council requesting that the requirement to tape Planning Commission meetings for televising be relinquished for off-site meetings.

Mr. Vleck reported that it appears an office building located on the corner of Wattles and Dequindre is in violation of site plan compliance because of its dumpster location.

Mr. Savidant stated he would look into the matter.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:45 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

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PARKS AND RECREATION ADVISORY BOARD

Minutes of May 8, 2003

Present: Janice Zikakis, member Larry Jose, member
 Jeff Stewart, member John Goetz, member
 Tom Krent, member Kathleen Fejes, member
 Meaghan Kovacs, member Ida Edmunds, member
 Jeff Biegler, staff Stu Alderman, staff
 Carol K. Anderson, staff

Absent: Doug Bordas, Orestes Kaltsounis

Visitors: Richard Hughes

Naming of Section One Golf Course - Discussion followed regarding the lack of opportunity for input, review of submissions and recommendation of a name for the course by the Park Board.

A motion by John Goetz, supported by Kathleen Fejes, to recommend to City Council that, the Parks and Recreation Advisory Board be given the opportunity to make recommendations for names for public lands before a name is chosen.

Ayes: All Nays: None

MOTION CARRIED

A motion by Janice Zikakis, supported by Tom Krent, that the minutes from March 13, 2003 and April 24, 2003 be approved as submitted.

Ayes: All Nays: None

MOTION CARRIED

NEW BUSINESS

A. Nominations - The year-long term for the current chairman and vice chairman will end next month and elections will be necessary.

Nominations were opened; Tom Krent nominated Larry Jose as chairman and Kathleen Fejes as vice chairman for the Parks and Recreation Advisory Board for another year. Nominations were closed and a vote to elect the slate was taken.

Ayes: All Nays: None

MOTION CARRIED

OLD BUSINESS

A. Budget - There is a 1.6% increase in the Parks and Recreation operating budget for 03-04.

A motion by Tom Krent, supported by Ida Edmunds, to rescind the Parks and Recreation section of the budget from the April 24, 2003 meeting and approve the Parks and Recreation operating budget for 2003-2004.

Ayes: All Nays: None

MOTION CARRIED

B. Park Designs - The concept plans for the five new park sites were presented to the public on April 30, 2003. The architects considered what residents wanted and the plans were well received. The plans are on the City's website for viewing.

C. Park Name submissions - Two additional requests for park names were received by this department. One was for "Sidney Strong" and the other was for Rotary Park. Sidney Strong is a duplicate of a previously received submission.

Public Comments

Richard Hughes spoke regarding the budget and the amount of tax money under the control of the DDA.

Member Comments

Jeff Stewart asked if the Rotary Club was willing to contribute funds for development and maintenance if a park is named after an organization. The issue of financial contribution and naming rights was discussed.

STAFF REPORTS

A. Directors Report - City Council reviewed the budget and made some cuts to the Parks and Recreation budget. The \$500,000.00 that was proposed for park development was eliminated along with disc golf and the pathway at Raintree. The Aquatic Center capital expenditures may be approved if the revenue/expenses exceeds the capital expenditures. We will be looking to grants for our funding.

The June meeting of the Parks and Recreation Advisory Board will be held at Section One golf course. Members should meet at the site at 7:30 p.m.

B. Recreation Report - The summer brochure has been mailed to residents and businesses. Registration for summer programs begins May 20.

We are fine tuning plans for online registration. The target date to have that up and running is the fall session.

The Aquatic Center Open House is May 23, 2003. All are welcome.

C. Parks Report - Arbor Day is May 9th and in celebration there will be a kite fly and a River-Birch tree planting at Firefighters park. The public is invited.

In response to Ida Edmunds question last month regarding the ratio of athletic field and parking lot to park-land; athletic fields take up 15% of the total acreage and parking lots take up approximately 2% of the total park land.

A fund raising event for the skate park will be on May 30th at Five Star Lanes. The skatepark slab will be poured when the weather is dry and the ramps will be shipped May 30th for installation soon after.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Mary Williams

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on May 13, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Dennis A. Kramer
Lawrence Littman
Cindy Pennington
Robert Schultz
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Gary Chamberlain
Walter Storrs

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy Czarnecki, Recording Secretary

Resolution

Moved by Schultz

Seconded by Waller

RESOLVED, that Messrs. Chamberlain and Storrs be excused from attendance at this meeting.

Yeas

All present (7)

Absent

Chamberlain
Storrs

MOTION CARRIED

Chairman Littman announced that per the request of the petitioner, item # 11, Public Hearing for Proposed Rezoning (Z-689) - Proposed Car Wash, north side of Maple, east of Livernois, Section 27 – B-1 and R-1E to HS, has been withdrawn.

2. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED ITEMS

3. PUBLIC HEARING – STREET VACATION REQUEST (SV-180) – East ½ of Alger Street, between Lots 463 and 464 of John R Gardens Subdivision, South of Birchwood, West of John R, Section 26 – M-1

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. The City Assessor documented that the road was never officially vacated; therefore, one-half of the right of way was not deeded to the subject lot. Mr. Miller reported that it is the recommendation of the Planning Department to deny the street vacation request as submitted. Mr. Miller cited the request would result in a 25-foot wide substandard right-of-way that would not be accepted for maintenance as a street within the City and would effectively land lock the two parcels fronting on Chopin Street, making it impossible to sell or redevelop the lots in the future.

Ms. Lancaster reported that she provided the petitioner suggestions in seeking reimbursement of money he paid for property that was not titled to him.

The petitioner, Dennis Coleman of 1448 Madison, Troy, was present. Mr. Coleman questioned why the quit claim deed does not agree with recorded documents in the County and City.

Ms. Lancaster responded that the history of the matter does not show the street being picked up by the County or City. She explained the difference between a quit claim deed and a warranty deed, and offered further assistance to the petitioner.

PUBLIC HEARING OPENED

No one was present to speak.

Mr. Waller requested that the Assistant City Attorney draft a memorandum that would enlighten the Commission on various deeds.

Resolution

Moved by Waller

Seconded by Pennington

RESOLVED, that the Planning Commission hereby recommends that the street vacation request, as submitted, for the east ½ of the Alger Street right-of-way, located within the John R Gardens Subdivision, abutting lots 463 and 464, being

approximately 120 feet in length and 25 feet in width, be tabled until the June 10, 2003 Regular Meeting, to allow further investigation of the matter.

Yeas

Littman

Pennington

Schultz

Vleck

Waller

Wright

Nays

Kramer

Absent

Chamberlain

Storrs

MOTION CARRIED

Chairman Littman announced that the Public Hearing would remain open for the June 10, 2003 Regular Meeting.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed PUD and noted that the petitioner has provided additional information since the item was tabled at the April 8, 2003 Regular Meeting.

The Planning Consultant, Mr. Carlisle, presented a review of his report and noted that it does not incorporate responses to the additional information recently provided by the petitioner. Mr. Carlisle expressed surprise at the high vacancy rate quoted in the current market study, and cautioned the Commission that other office projects may request concessions in the future if the proposed project is approved, built and siphons off some of the office market. Again, Mr. Carlisle cautioned the Commission to be very careful in its consideration of the full impact of the proposed development. Mr. Carlisle stated that, to date, he is not convinced that the attributes offered by the proposed development warrant the additional square footage on the site. In summary, Mr. Carlisle stated it is his opinion that the project is not ready yet for PUD approval, and recommended the item be tabled for further study.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio agreed with Mr. Carlisle's comment that a PUD is a process, not a product, and noted that the process has resulted in meaningful improvements to the proposed development since its original submission. He cited that some improvements suggested by City staff were beyond economic feasibility of the project, and hoped that the City and Commission still believe a good product is being offered. Mr. DiMaggio stated the deed restrictions have not hamstrung the project but allowed development to be possible, citing the construction of a parking structure. Mr. DiMaggio said he does not believe that the

proposed Sterling Corporate Center would set a precedent, but would encourage other developers to come before the Planning Commission with proposed PUD projects. He reviewed the recent site improvements, displayed renderings, referenced the comparable building materials, and addressed the proposed water feature. Mr. DiMaggio believes that the current office vacancy rate is not significantly detrimental to the market and noted that there are tenants wanting to take occupancy in the new development. In summary, Mr. DiMaggio stated that tabling the item for 90 days could be problematic and additional time would probably not move the project forward; therefore he asked the Commission for its consideration in approving the project.

Mr. Waller questioned the rendering display of a darkened feature under the canopy and behind the water feature.

Mr. DiMaggio detailed a paver entryway that would establish a different type of atmosphere in front of the building.

Mr. Kramer asked for examples of competitive signature buildings in Troy and specific elements of the proposed development that are above and beyond existing signature buildings.

Mr. DiMaggio replied that Columbia Center, Standard Federal Building, Troy Corporate Center and Somerset Place are examples of competitive signature buildings. He cited specific elements above and beyond comparable signature buildings are the substantial off-site improvements for the City, the proposed traffic improvements and meeting the goals and objectives of the City's Master Plan.

PUBLIC HEARING OPENED

No one was present to speak.

Mr. Kramer said he would like to move the project along but personally is looking for those elements that would convince him that the project is above and beyond the quality of other Class A office buildings existing in the City, citing that the Columbia Center is a very high class building constructed of brick and the Standard Federal Building constructed of marble and granite – not concrete as proposed for the subject development. Mr. Kramer said the proposed landscaping in the I-75 off-ramp area could be cited as an attribute but feels that 50 trees do not swing the needle very much.

Mr. Schultz said he views tabling the item tonight as an additional delay.

Mr. Vleck questioned if the project could be developed as an overlay district.

Mr. Miller said if an overlay district existed, it would allow for the creation of a unified development in which parking, intensity of development, storm water detention, and other features could be shared.

Mr. Wright asked for clarification as to why the proposed Sterling Corporate Center PUD does not qualify for the PUD eligibility criteria and the proposed Rochester Commons PUD does.

Mr. Carlisle stated that each PUD project should be considered uniquely. He noted that the Rochester Commons site is truly a blighted piece of property with an abandoned school and a series of substandard houses on the frontage of Big Beaver. In terms of development intensity, Mr. Carlisle believes the proposed Rochester Commons project is less intense than if the site would be developed as office for which it is master planned. Mr. Carlisle said the proposed Rochester Commons project provides a more equally and appropriate transition between intense commercial and single family to the rear. Mr. Carlisle believes the proposed Rochester Commons project would serve as a catalyst for redevelopment of areas along Big Beaver and Rochester Roads.

Mr. Wright stated that he agrees the proposed Sterling Corporate Center site is not as blighted as the proposed Rochester Commons site, but noted the history of the Sterling Corporate Center site shows it is significantly under-utilized.

Mr. Carlisle clarified that some of the recommendations offered the petitioner are consistent with the existing Columbia Center project and were drawn upon suggestions from the Commission. He clarified that it was suggested to bury a second floor of the parking structure that would then lower the overall profile of the structure. It was further suggested to add more square footage to the office building to offset the cost of burying the second floor of the parking structure.

Resolution

Moved by Kramer

Seconded by Wright

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the June 10, 2003 Regular Meeting, for the following reasons:

1. While the Planning Department, City Planning Consultant, City Management, and the Planning Commission agree that a mid-rise office building is an appropriate use at the subject location, the Planned Unit Development application does not meet the minimum Eligibility criteria of Section 35.30.00.
2. The Planned Unit Development application is incomplete as submitted.
3. The thirty (30) day period will provide the Planning Department, City Planning Consultant, City Management and the Planning Commission and the applicant an opportunity to negotiate and develop a Planned Unit Development application

which is complete and which will meet the Eligibility criteria of the City of Troy Zoning Ordinance.

Yeas

All present (7)

Absent

Chamberlain

Storrs

MOTION CARRIED

Chairman Littman announced that the Public Hearing would remain open until the June 10, 2003 Regular Meeting.

5. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) –
Proposed Rochester Commons, North side of Big Beaver, East of Rochester Road,
Section 23 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Rochester Commons PUD.

The Planning Consultant, Mr. Carlisle, gave a brief report on the most recent revisions to the project: resolution of the floodplain delineation; revised walkway as a result of the Big Beaver Road future improvements; substantial improvements to Urbancrest; and emergency accesses per the Fire Department requirements. In summary, Mr. Carlisle said the proposed development is a very good example of a PUD project and recommended approval by the Planning Commission.

Mr. Miller noted the plan has been revised to make no improvements to the adjacent Jackson property so the Jackson's garden area would remain the same, and further noted that the request to vacate the alley between the Jackson property and the City-owned property will be on the June 2, 2003 City Council Regular Meeting agenda. Mr. Miller foresees no problem with the City Council's approval of the alley vacation that would result in one-half of the alley going to the Jackson family and the other half would remain City property.

Mr. Kramer questioned if the designated open space would remain open space, if and once the project is approved.

Mr. Carlisle responded that a development agreement would be required and the only way the open space could be changed is if it came before the Planning Commission as an amendment to the PUD.

Ms. Lancaster confirmed that a change in the open space would come back before the Planning Commission as an amendment to the PUD. She explained that a new site plan would be required, as well as a resolution on the deed restriction and a recorded new planned unit development agreement.

Mr. Kramer questioned the integration of the surface treatment with the pond and landscaped areas.

Mr. Miller responded that no design work has been done at this time, but noted that the intent is to provide a uniform look beginning at Daley Street and continuing along the berm area through to the pond, fire station and park.

Mr. Carlisle agreed that the petitioner should be encouraged to carry the concept all the way to the park.

A brief discussion followed with respect to the alley vacation request and landscape plans for the southern half of the alley, if the vacation is approved.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio said that he is working with the City's Real Estate and Development Director and a landscape architect to arrive at a landscape plan that would provide uniformity throughout the proposed development. Mr. Donofrio briefly reported on the proposed building materials and circulated samples of the building materials to the Commission. Mr. Donofrio discussed the landscape plan along Urbancrest and the property adjacent to the Jackson family. Mr. Donofrio expressed his desire to work with the City and said he is open to suggestions.

PUBLIC HEARING OPENED

Ms. Barbara Jackson of 3035 Daley, Troy, was present. Ms. Jackson provided a letter that cites her major concerns to the proposed development. Ms. Jackson believes the development would have a negative impact on the neighborhood, and noted the neighbors on Hartland are not in favor of the development. Ms. Jackson expressed her appreciation to the Commission for their dedication and hard work on behalf of the City.

Eileen Youngerman of 369 Lange, Troy, was present. Ms. Youngerman said she manages property on Rochester Road, south of Big Beaver, and is familiar with the proposed development. Ms. Youngerman is in favor of the proposed development. She believes it would remove and improve a long-time blighted area as well as continue the Golden Corridor concept for the City. She views the proposed development as an asset to the City.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas, who lives next to the abandoned school, questioned the term "mixed use" and voiced her objections to the proposed development. Ms. Haas stated the petitioner has committed to providing an easement but that there would be certain restrictions. She stated that she cannot afford an attorney to seek legal advice and does not want to sign any documents.

Ms. Lancaster said it would be in the best interest of Ms. Haas to retain an attorney to review the legal documentation related to the easement agreement, but noted

that the City would ensure that her interests would be protected as part of the master deed plan.

Mr. Donofrio clarified that the restriction to which Ms. Haas is referring is the parking of her recreational vehicle on the property. He informed Ms. Haas that neither she nor any of her neighbors would be permitted to park recreational vehicles on the property. Mr. Donofrio noted that Ms. Haas would not be responsible for any maintenance nor would she be assessed any association dues, and further that this would be inherent for any future owners of the Haas property.

Jim Meinershagen of 4657 Heatherbrook, Troy, was present. Mr. Meinershagen is the head of the Scotland homeowners association. Mr. Meinershagen stated that he is in favor of the proposed development because it would be improving the City's principal intersection. He asked that the needs and wishes of neighbors, such as the Jackson family, with respect to landscaping and access be given serious consideration.

David Hornak was present to represent the homeowners at 1115 E. Big Beaver Road, Troy. Mr. Hornak spoke in favor of the proposed development and expressed appreciation to the petitioner for his efforts to work with the neighbors. Mr. Hornak believes the area will be well maintained by the private condominium owners.

Bob Jackson of 3035 Daley, Troy, was present. Mr. Jackson thanked the Commission for their hard work. Mr. Jackson stated that he has maintained the property to the rear for 47 years. He does not think a berm is necessary in this area and suggested to keep the existing trees. He voiced concerns with respect to watering the proposed berm. Mr. Jackson referenced the alley vacation and said there is no way a car will fit on a 10-foot driveway.

PUBLIC HEARING CLOSED

Mr. Waller requested that City staff, the City Attorney's Office and City Council give serious consideration to the wishes of the Jackson family.

Mr. Vleck questioned the proposed storm water retention and the maximum height of an office building if the site was developed under office zoning.

Mr. Miller confirmed that the petitioner is required to provide some method of storm water retention, and noted that the petitioner has proposed an oversized retention pond as a catalyst for future development. Mr. Miller further said that if the property was rezoned to low rise office, a three-story office building at a height of 36 feet would be allowed under the zoning.

Resolution

Moved by Waller

Seconded by Schultz

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Tadian Developments, for the Rochester Commons Planned Unit Development (fka Back Bay Village PUD), located on the north side of Big Beaver Road and east of Rochester Road, located in section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby recommended for approval to City Council.

FURTHER RESOLVED, the proposed PUD meets the location requirements set forth in Section 35.30.00, A and B (2 and 3). The unique layout and location of the site is better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road, as demonstrated by the deteriorated condition of some of the existing single family residential homes. The multiple-family residential development would be similar to office use in being a transitional use and a compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

FURTHER RESOLVED, pursuant to Section 35.30.00.C, the applicant demonstrated that a sufficient number of objectives are met which would not be accomplished without the use of the PUD.

1. The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.
2. The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, a mix of uses is not a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." The definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

3. That the eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the “applicant must show that a sufficient number of ... objectives ... are met.”

FURTHER RESOLVED, the use will include screening to buffer the site from adjacent properties above and beyond Zoning Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

FURTHER RESOLVED, that the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met.

FURTHER RESOLVED, the PUD is consistent with the Future Land Use Plan. The Future Land Use Plan designation calls for low rise office which is used as a transition between more intense commercial uses and less intense single-family residential uses. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

FURTHER RESOLVED, it is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

FURTHER RESOLVED, that the recommendation is subject to the following conditions.

1. The Preliminary Plan consists of a project manual, dated 4/03, which was presented to the Planning Department on April 11, 2003; the manual contains narratives, reduced plans, and full size plans:

Prepared by Grissim, Metz, Andriese Associates

- 1 Conceptual Landscape Plan
- 2 Conceptual Building Enlargement Landscape Plans
- 3 Conceptual Lighting/Street Signage Plan
- 4 Site Details
- 5 Site Amenities
- 6 Photometric Plan

Prepared by Professional Engineering Associates

PSP-3 Site Plan
PSP-3 Grading Plan (Preliminary)
C-2 Topographic Survey
T-1 Tree Survey

FURTHER RESOLVED, that the Planning Department will keep the Planning Commission informed on a written basis on any change or items of merit that occur to this project.

FURTHER RESOLVED, the City of Troy in support of the theme of improvement of this area of Troy will enclose the dumpster located on the parking lot of the Fire Department.

Yeas

Kramer
Littman
Pennington
Schultz
Waller
Wright

Nays

Vleck

Absent

Chamberlain
Storrs

MOTION CARRIED

Chairman Littman congratulated the petitioner on following the PUD process.

Mr. Vleck stated he is not in favor of the motion because he feels the proposal falls short as a PUD project. He cited the proposal has no mixed use; the building material quality is of relatively low standard; and the public benefits are minimal. Mr. Vleck stated that the only precedent being set is for a developer to originally submit a sub-standard plan, make a lot of revisions to show that he/she is going through the PUD process, and receive approval that the proposal qualifies as a PUD project based on making lots of changes.

Resolution

Moved by Kramer

Seconded by Waller

RESOLVED, that the Planning Commission recommend to City Council that City Management be directed to coordinate the development of the corner park with the design intent and development as presented by the petitioner this evening.

Yeas

All present (7)

Absent

Chamberlain
Storrs

MOTION CARRIED

Chairman Littman requested a recess at 9:30 p.m.

The meeting reconvened at 9:40 p.m.

SITE CONDOMINIUM SITE PLAN

6. SITE PLAN REVIEW – Proposed Hidden Creek Site Condominium, 14 units proposed, East side of Ellenboro, South side of Vanderpool, Section 22 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Hidden Creek Site Condominium. Mr. Miller noted the report incorrectly specifies that the applicant is proposing a 14-unit site condominium; the report should read the applicant is proposing a 15-unit site condominium, which represents a density of 1.88 units per acre. Mr. Miller reported that it is the recommendation of the Planning Department to approve the preliminary site plan as submitted.

Discussion followed with respect to the unusual and quirky layout of the proposed development. It appears that Lot 8 has limited space between adjacent lots and that Lot 1 and 2 would be restricted in the placement of exterior structures.

Ms. Lancaster confirmed that condominium documents could be set up so that individual homeowners are responsible for maintenance of their lots.

Mr. Miller confirmed that Lots 14 and 15 would have access off of Ellenboro.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present. Mr. Abitheira said that he personally is moving onto Lot 8 and that his father currently lives on Lot 15. Mr. Abitheira said the association bylaws would stipulate that each homeowner is responsible for his respective exterior maintenance. Mr. Abitheira explained that he could not split the lots because of legal restrictions.

Chairman Littman opened the floor for public comment.

James Ryan of 648 Vanderpool, Troy, was present. Mr. Ryan lives at the dead end of Vanderpool on the opposite side of the creek. Mr. Ryan spoke with the Chief Inspector of the Oakland County Drain Commission and was informed that the petitioner has not applied for any permits or variances with respect to the drain and existing 25-foot easement and that several outstanding violations exist. Mr. Ryan claimed the petitioner bulldozed the trees on the property without obtaining a permit, and the clearing of the property took away the privacy and nature he once enjoyed as a resident. Mr. Ryan asked that the petitioner be required to re-plant the trees he bulldozed. Mr. Ryan claimed that the petitioner built the two houses at the end of the

street without obtaining proper permits. Mr. Ryan stated the Planning Department has informed him that the petitioner has received all applicable City permits, but he understands that applicable County permits have not been obtained. Mr. Ryan voiced his concern, as well as his neighbors, that Vanderpool would be opened up to through traffic and believes it would be a detriment to the neighborhood. Mr. Ryan spoke with respect to the unusual layout of the site, and cited several questions that he feels should be addressed before further movement on this project.

Mr. Miller confirmed that the City's Parks and Recreation Department reviewed the petitioner's preliminary tree preservation plan and the Engineering Department reviewed the floodplain very closely. Mr. Miller stated the petitioner would apply for permits subsequent to receiving preliminary site plan approval. Mr. Miller said that he could not answer to potential violations at this time without doing further research on the issues.

Ms. Lancaster confirmed that the Commission's approval process relates to meeting City ordinances and not County requirements.

Mr. Miller cited the City ordinance relating to constructing equipment and/or structures within a floodplain area, and noted there could be potential limitations on developing or building in the rear yards that lie within the designated floodplain.

James Savage of 800 Harris, Troy, was present. Mr. Savage circulated a photograph taken two years ago after a one-inch rainfall wherein Rochester Road near the Sturgis drain was completely submerged. Mr. Savage voiced concern with additional flooding as a result of the proposed development. In addition, Mr. Savage addressed his concern of increased traffic on Vanderpool and Ellenboro, and noted it would endanger elementary school children. Mr. Savage feels the proposed development would have a negative impact on the neighborhood.

The floor was closed.

Resolution

Moved by Littman

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan as submitted under Section 10.00.00 of the Zoning Ordinance (One Family Residential Districts) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Hidden Creek Site Condominium, 15 units proposed, located on the east side of Ellenboro and the south side of Vanderpool, Section 22, within the R-1E zoning district, be tabled for thirty (30) days to the June 10, 2003 Regular Meeting, to allow residents, developer and City staff to address all issues.

Yeas

Kramer

Littman

Pennington

Schultz

Wright

Nays

Vleck

Waller

Absent

Chamberlain

Storrs

MOTION CARRIED

Mr. Vleck said he was not in favor of the motion because the Commission is compelled to approve a site plan that complies with City ordinances.

Mr. Waller said the Commission responded to hearsay and the professional City staff should have had the issues sorted out a long time ago. Mr. Waller asked that the record be clear that if the petitioner is in violation of clearing the subject land, that it is a Drain Commission issue and not the City's.

STREET VACATION REQUEST

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-182) – 18 Foot Alley, between Chopin Road and Maple Road, Abutting Lots 78 through 90 and 589 of Addison Heights Subdivision, North of Maple, East of Livernois, Section 27

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted with the condition that retention of easements for utilities is provided.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray stated that the petitioner wishes to improve the property for future development.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant clarified that the City does not require easements for City utilities (storm, water and sewer) but the recommended condition is to require easements for other potential utilities such as telephone, cable, etc.

Mr. Miller reported there were no responses from affected residents who received notification of the proposed street vacation.

Resolution

Moved by Vleck

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted for the alley, between Chopin Road and Maple Road, located within the Addison Heights Subdivision, abutting lots 78 through 90 and 589, being approximately 222.54 feet in length and 18 feet in width, in Section 27, be approved subject to the following condition:

1. Retention of easements for utilities.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED****SITE PLANS**

8. SITE PLAN REVIEW (SP-892) – Proposed Retail Building, Shops at Torpey, Northeast corner of Rochester Road and Torpey, Section 23 – B-2

Mr. Savidant presented a summary of the Planning Department report for the proposed retail building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to: the vacation of the existing 6-foot wide easement running north-south through the parcel; continuation of the concrete sidewalk along Torpey across the entry drives; relocation of the dumpster to the northeast corner; and provision of a vehicular cross access easement for future connection to the property to the north.

The petitioner, Dennis Torpey of 12830 Rattalee Lake Road, Davisburg, was present. Mr. Torpey expressed his concern in relocating the dumpster to the northeast corner because of the existing overhead utility lines, and questioned the City's request to continue the sidewalk along Torpey.

Mr. Miller clarified that the site plan must show the sidewalk to meet City ordinance and get approval by the Commission, but informed the petitioner that a sidewalk waiver could be submitted for consideration by the City's Traffic Committee.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution

Moved by Kramer

Seconded by Wright

RESOLVED, that the Preliminary Site Plan for the Shops at Torpey, located on the northeast corner of Rochester Road and Torpey, Section 23, within the B-2 zoning district is hereby granted, subject to the following conditions:

1. The existing 6 foot wide easement running north-south through the parcel to be vacated.
2. The concrete sidewalk shall continue along Torpey across the entry drives.
3. The dumpster be relocated to the northeast corner of the site and orient the dumpster enclosure so that the entrance faces due west, provided there is no safety hazard from overhead utilities or wires.
4. A vehicular cross access easement for future connection to the property to the north, to be located as shown on the site plan.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED**

9. **SITE PLAN REVIEW (SP-893)** – Proposed Office/Retail Building, Southeast corner of Long Lake and John R, Section 13 – B-3 and E-P

Mr. Savidant presented a summary of the Planning Department report for the proposed office/retail building. Mr. Savidant noted that subsequent to the Planning Department's written report, the petitioner submitted a landscape plan for the E-P Zoning District area that has been reviewed and approved by the Parks and Recreation Department. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the applicant receiving approval from the Michigan Department of Environmental Quality (MDEQ) prior to Final Site Plan approval.

Mr. Waller requested that the driveway of the proposed development be checked with relation to the elevation of the new bridge going in on Long Lake Road, east of John R.

The petitioner, Laith Jonna of 2360 Orchard Lake Road, Sylvan Lake, was present. Mr. Jonna stated that exact elevations have been taken of the new bridge on Long Lake and a plan that addresses the access requirements has been submitted.

Mr. Miller requested the petitioner to provide an explanation of the proposed upper and lower level parking.

With the assistance of display boards, Mr. Jonna gave a brief presentation of the proposed parking elevations with relation to the John R Road elevation, and a view of the office/retail construction. Mr. Jonna confirmed that the lower level offices would have entrances along the lower level in the rear of the site, and that handicapped parking spaces could easily be designated in the area.

There was discussion on the relation of the grade of the proposed development to the Police/Fire Training Center.

Tony Serra of 189 E. Big Beaver, Troy, the architect for the proposed project gave a brief explanation of the grading plan and summarized that the Police/Fire Training Center's elevation would remain higher than the proposed development and noted water run-off would flow to the catch basin.

Mr. Savidant said it appears that most of the Police/Fire Training Center property is designed so that its water run-off turns away from the proposed development.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution

Moved by Kramer

Seconded by Schultz

RESOLVED, that the Preliminary Site Plan for the proposed Office/Retail Building, located on the southeast corner of Long Lake and John R, Section 13, within the B-3 and E-P zoning districts is hereby granted, subject to the following conditions:

1. The applicant will require approval from the Michigan Department of Environmental Quality (MDEQ) prior to Final Site Plan approval.
2. The E-P landscape buffer will be designed as shown in the landscape plan as submitted and approved by the Parks & Recreation Department.
3. The plan reflects the addition of handicapped parking spaces for the lower level building entrances to the east.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED****REZONING REQUESTS**

10. PUBLIC HEARING – PROPOSED REZONING (Z-688) – Proposed Office Building, East side of Coolidge, South of Maple, Section 32 – M-1 to O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray said the intent of the property owner and developer is to provide a nice office building at this location.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution**

Moved by Waller

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the M-1 to O-1 rezoning request for the existing industrial storage facility, located on the east side of Coolidge Road, south of Maple Road, Section 32, being 0.86 acres in size, be granted.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED**

11. PUBLIC HEARING - PROPOSED REZONING (Z-689) – Proposed Car Wash, North side of Maple, East of Livernois, Section 27 – B-1 and R-1E to H-S

Item withdrawn per the request of the petitioner.

SPECIAL USE REQUEST

12. **PUBLIC HEARING – SPECIAL USE REQUEST (SU-181 B) – Troy Auto Wash, East side of Livernois, South of Maple, Section 34 – H-S**

Mr. Savidant presented a summary of the Planning Department report for the proposed special use request. Mr. Savidant reported that it is the recommendation of the Planning Department to table the request until the rear 317.5 feet of the property is deeded to a different owner, or until a variance from the 10% landscaping requirement is granted.

The petitioner, Tony Gallo of 30555 Hoover, Warren, was present. Mr. Gallo explained the difficulty in developing the subject site because of its irregular shape. He stated that there have been discussions with the property owners to the north (K-Mart facility) and to the south (vacant shopping plaza) with respect to deeding a portion of the property to the rear. Mr. Gallo provided the Commission with a letter from the property owner to the north that indicated agreement to accepting the deeded portion of the property. Mr. Gallo said he would seek a variance from the Zoning Board of Appeals if the property were not to be deeded. Mr. Gallo reviewed the present condition of the site and expressed his desire to provide a first-class building in its place. Mr. Gallo asked for the Commission's favorable consideration of the request.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Kramer asked what process is in place to guarantee the site plan condition would be met.

Mr. Miller replied that the Planning Department would not approve the final site plan until the condition occurred.

Resolution

Moved by Waller

Seconded by Wright

RESOLVED, that Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.04 of the Zoning Ordinance, as requested for the Troy Auto Wash, located on the east side of Livernois Road, south of Maple Road, located in section 34, within the H-S zoning district, is hereby granted, subject to the following condition:

1. The applicant and/or property owner either selling the rear land to the adjacent property owner or applying and receiving a 10% landscaping variance from the Zoning Board of Appeals.

Yeas

All present (7)

AbsentChamberlain
Storrs**MOTION CARRIED****ZONING ORDINANCE TEXT AMENDMENTS**

13. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements

Mr. Savidant summarized the intent of the proposed revisions to the parking requirements zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution**

Moved by Kramer

Seconded by Schultz

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XI (GENERAL PROVISIONS), Section 40.20.00 (PARKING REQUIREMENTS) of the Zoning Ordinance, be amended as printed on the Planning Commission recommended amendment, dated 04/17/03:

YeasKramer
Littman
Pennington
Schultz
Waller
WrightNays

Vleck

AbsentChamberlain
Storrs**MOTION CARRIED**

Mr. Vleck indicated he is not in favor of the motion because the text contains references to the "largest working shift" which he thinks is too dynamic of a standard

and makes the ordinance unenforceable. Since the largest working shift is based on a tenant that is unknown, the criteria would arrive at a fictitious number.

14. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-199) – Article 03.40.00 Site Plan Approval

Mr. Savidant summarized the intent of the proposed revisions to the site plan zoning ordinance text.

A brief discussion was held with respect to specific criteria required for site plan approval; i.e., city projects, car dealerships.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Schultz

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE III (APPLICATIONS AND PROCEDURES), Section 03.40.00 (SITE PLAN REVIEW / APPROVAL) of the Zoning Ordinance, be amended to read as follows:

(Underlining, except for major section titles, denotes changes.)

03.40.00 SITE PLAN REVIEW / APPROVAL

03.40.01 INTENT

03.40.02 The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

03.40.02 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all

other building or development activities shall require prior site plan approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

- (1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a one family or two family dwelling.
- (2) Development of uses other than an individual one family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.
- (3) Any change in use that could affect compliance with the standards set forth in this Ordinance.
- (4) Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.
- (5) The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.
- (6) Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.
- (7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.
- (8) Changes to pedestrian access or site and building interconnectivity.
- (9) The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

03.41.00 PROCEDURE

- 03.41.01 A petitioner seeking Site Plan Approval ~~for proposed development and/or use of property within the City of Troy~~ as required under Section 03.41.04 ~~03.40.02~~ shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

- 03.41.02 The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.
- 03.41.03 Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.
- 03.41.04 The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with Section 03.41.07. If the petitioner does not renew the Preliminary Site Plan Approval or receive Final Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.
- (11-19-90)
- 03.41.05 Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. ~~to The Department of Parks and Recreation shall for review and approve approval,~~ the Landscape Plan prior to the application for Preliminary Final Site Plan Approval.
- 03.41.06 Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.
- 03.41.07 The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments ~~and after review of landscape plans by the Department of Parks and Recreation,~~ and before granting of any building permits, submit the site plan to the Planning Department

for consideration and Final Site Plan Approval. This site plan submittal shall include those items indicated under Section 03.43.03 of this Article. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items covered under Section 03.43.03.

(11-19-90)

- 03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.03 have been complied with. Any submittal which fails to provide the modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.
- 03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:
- (1) Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or
 - (2) Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or
 - (3) Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.
- 03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

- 03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments.

(11-19-90)

- 03.41.12 Final Site Plan Approval shall be effective for a period of one year.

(11-19-90)

03.42.00 APPLICATIONS

Application forms for Site Plan Approval for proposed development and/or use of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.43.00 SUBMITTAL REQUIREMENTS

- 03.43.01 A petition or request for Preliminary Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

- (1) The name, address and telephone of the person applying for Preliminary Site Plan Approval.
- (2) The name, address and telephone of the owner of the property.
- (3) The relationship between the applicant and the property owner.
- (4) The present zoning classification of the subject property.
- (5) The proposed use of the property.
- (6) A Certified Topographic Architectural Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The legal description and boundary survey shall be provided on 8-1/2 x 14 pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by

a Licensed Surveyor by filing a "Land Corner Recordation Certificate" with the Oakland County Register of Deeds. A copy of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:

- (a) No additional impervious surfaces will be constructed on the property.
 - (b) The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.
- (7) A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.
- (8) Attached to this application shall be ~~ten (10)~~ ~~six (6)~~ prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:
- (a) All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.
 - (b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.
 - (c) All lot and property lines.
 - (d) Location of all proposed structures.
 - (e) Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.
 - (f) Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.
 - (g) Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 5-17-93)

- (h) Indication of the means by which storm water detention will be provided.
- (i) Setbacks and required yards.
- (j) Parking areas, access drives, loading and unloading areas, and trash receptacles.
- (k) Greenbelts, landscape areas and other open space areas; and screening walls.
- (l) The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.
- (m) The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.
- (n) Calculations for the following shall be included on the site plan:
 - 1. Gross and net (after rights-of-way) site area.
 - 2. Gross and net ("usable") building area.
 - 3. Required parking and statement of parking provided.
 - 4. Required landscape and open space area and statement of area provided.
- (o) Site Plans for residential developments shall include the following additional information:
 - 1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.
 - 2. Topography on site and 50 feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.
 - 3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.

- (p) Existing and proposed grades.
 - (q) Number of employees on the largest working shift (if applicable).
 - (9) A wetlands determination shall be required for all applications for preliminary site plan approval, including subdivisions and site condominiums.
 - (10) An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.
 - (11) A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic Architectural Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.
 - (12) A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.
 - (13) Floor Plans.
 - (14) Building Elevations.
 - (15) Grading Plans.
 - (16) Preliminary Tree Preservation Plan.
 - (17) Indicate the method used to remove snow and the location of on-site snow storage areas.
- 03.43.03 A petition or request for Final Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:
- (1) The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval;

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- (2) Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:
 - (a) The dedication of rights-of-way,
 - (b) The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,
 - (c) "Private Agreements" for the installation of Public Improvements, by the petitioner.
 - (d) "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.
 - (3) A current Title Commitment, indicating all parties in interest in the subject property.
 - (4) A statement from the Landscape Analyst ~~Superintendent of Public Grounds~~ indicating that the Landscape Plans have been submitted, approved and the related fees have been paid.
 - (5) Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:
 - (a) The water distribution system,
 - (b) The sanitary sewer system,
 - (c) The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.
 - (6) Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.
 - (7) The location of Fire Lanes as recommended by the Fire Department.

Yeas

Kramer
Littman
Pennington
Schultz
Waller
Wright

Nays

Vleck

Absent

Chamberlain
Storrs

MOTION CARRIED

Mr. Vleck stated he is not in favor of the motion because Section 03.43.01, (8) (q) references the "largest working shift" and he thinks the criteria would arrive at a fictitious number because tenancy is not known and therefore the largest working shift is unknown.

15. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-126) – Article 39.70.09 Dumpsters and Grease Containers

Mr. Savidant summarized the intent of the proposed revisions to the dumpsters and grease containers zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution**

Moved by Pennington

Seconded by Vleck

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS), Section 39.70.09 (TRASH RECEPTACLE AREA SCREENING) of the Zoning Ordinance, be amended to read as follows:

(Underlining, except for major section titles, denotes changes.)

39.70.09 Trash Receptacle Area Screening

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the

construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially-zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially-zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially-zoned land, in order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and that no other significant negative effects will result from the waiver of such screening.

(Rev. 6-29-92)

Yeas

All present (7)

Absent

Chamberlain
Storrs

MOTION CARRIED

OTHER BUSINESS

16. PLANNING COMMISSION WORK PROGRAM – Approval and Referral to City Council

Chairman Littman reported that the Planning Commission Work Program went before City Council as a green informational memorandum at their May 12, 2003 Regular Meeting. City Management is requesting that the Work Program be officially approved by the Planning Commission prior to submitting it for approval by City Council.

A brief discussion followed.

Ms. Lancaster stated that a request to City Council to approve the Planning Commission Work Program could result in priority and funding issues.

Resolution

Moved by Littman

RESOLVED, that the Planning Commission Work Program be referred to City Council for review, comments and approval at their June 2, 2003 meeting.

There was no second to the motion.

MOTION FAILED

GOOD OF THE ORDER

Mr. Savidant thanked personally the person who passed out the Smarties candy.

Chairman Littman apologized for jumping the gun on the Work Program referral to City Council and not recognizing that he needed approval by the Planning Commission prior to requesting approval by City Council.

Ms. Pennington regretfully announced her resignation effective immediately, May 13, 2003. Ms. Pennington said it has been an honor and a privilege to work with the Commission.

Mr. Miller reminded everyone that the next meeting is June 3, 2003.

Ms. Lancaster said that she and all the Commission members would miss Ms. Pennington.

Chairman Littman announced that he has surgery scheduled on June 3rd and would advise the Planning Department and members of his return to chair the meetings.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 11:33 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 14, 2003, at City Hall, 500 W. Big Beaver, Conference Room C. The meeting was called to order at 3:02 p.m.

TRUSTEES PRESENT:

Mark Calice
Charles Campbell
Robert Crawford (Arrived 3:05 p.m.)
Thomas Houghton, Chair
John M. Lamerato
David A. Lambert
John Szerlag

ALSO PRESENT:

Laura Fitzpatrick

MINUTES

Resolution # 03-16

Moved by Szerlag

Seconded by Campbell

RESOLVED, that the minutes of the April 9, 2003 meeting be approved.

Yeas: All 6

Absent: Crawford

RETIREMENT REQUESTS

OTHER BUSINESS – PRIOR GOVERNMENTAL SERVICE

The Board received and filed a report, which will be attached to the original minutes.

OTHER BUSINESS – INVESTMENT PERFORMANCE REPORT-DECEMBER 31, 2002

The Board received and filed this report.

INVESTMENTS

Resolution # 03-17

Moved by Crawford

Seconded by Calice

RESOLVED, That the following investments be purchased: Purchase \$500,000-1,000,000 Ford Motor Credit 6.30%, due 5/20/10; 8,000 shares First Industrial Realty; 10,000 shares American Express and 10,000 shares Abercrombie & Fitch.

Yeas: All 7

The next meeting is June 11, 2003 at 3:00 p.m. at the City Hall Conference Room C.

The meeting adjourned at 3:45 p.m.

John M. Lamerato, Secretary

Meeting Minutes

A meeting of the Downtown Development Authority was held on Wednesday, May 21, 2003, in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. The meeting was called to order at 7:32 a.m.

PRESENT: Stuart Frankel (arrived @ 7:35 a.m.)
 Michele Hodges
 William Kennis
 Alan Kiriluk
 Clarke Maxson
 Carol Price
 Matt Pryor
 Ernest Reschke

ABSENT: Michael Culpepper
 Daniel MacLeish
 Douglas Schroeder
 Harvey Weiss
 G. Thomas York

ALSO PRESENT: John Szerlag
 Gary Shripka
 John Lamerato
 Lori Grigg Bluhm
 Mark Miller
 Nino Licari
 Robert Bendzinski
 Linda Bloch

APPROVAL OF MINUTES

Resolution: 03-08
 Moved by: Price
 Seconded by: Hodges

RESOLVED, that the minutes of the March 19, 2003 regular meeting be approved.

Yeas: All (7)
 Absent: Culpepper, Frankel, MacLeish, Schroeder, Weiss, York

OLD BUSINESS

Update on Civic Center Project

John Szerlag gave an update on the Civic Center project.

NEW BUSINESS

Proposed 2003-04 Budget

Resolution: 03-09

Moved by: Kennis

Seconded by: Reschke

RESOLVED, that the 2003-04 Budget be adopted and recommended for approval by City Council

Yeas: All (8)

Absent: Culpepper, MacLeish, Schroeder, Weiss, York

Approval of Bond Authorizing Resolution – Community Center

Resolution: 03-10

Moved by: Kennis

Seconded by: Maxson

RESOLVED, that the Resolution authorizing the issuance of not to exceed \$4,025,000 Community Center facility junior lien bonds be approved, and a copy of the Resolution be attached to the original minutes of this meeting.

Yeas: All (8)

Absent: Culpepper, MacLeish, Schroeder, Weiss, York

Authorization to Negotiate with Bond Rating Agencies

Resolution: 03-11

Moved by: Kennis

Seconded by: Pryor

RESOLVED, that Bendzinski & Company is authorized to negotiate bond coverages and insurance with rating agencies in order to obtain a higher rating and lower interest rate.

Yeas: All (8)

Absent: Culpepper, MacLeish, Schroeder, Weiss, York

PUBLIC COMMENT

A citizen addressed the Authority.

EXCUSE ABSENT MEMBERS

Resolution: 03-02

Moved by: Maxson

Seconded by: Price

RESOLVED, That Culpepper, MacLeish, Schroeder, Weiss, and York be excused.

Yeas: All (8)

Absent: Culpepper, MacLeish, Schroeder, Weiss, and York

The meeting was adjourned at 8:45 a.m.

Next Meeting: June 18, 2003 @ 7:30 a.m.

Alan Kiriluk, Chairman

John M. Lamerato, Secretary/Treasurer

JL/pg

TROY HISTORICAL COMMISSION MINUTES – DRAFT

MAY 22, 2003

Meeting was called to order at 7:35 P.M., on Tuesday, MAY 22, 2003.

PRESENT: Rosemary Kornacki
 Roger Kaniarz
 Jack Turner
 Brian Wattles
 Muriel Rounds
 Kevin Lindsey
 Ed Bortner
 Sucheta Sikdar, High School Rep
 Connie Chang, High School Rep

STAFF Loraine Campbell
 Brian Stoutenburg

ITEM #1 APPROVAL OF MINUTES OF MEETING OF APRIL 22, 2003

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 22, 2003 AS AMENDED.

ITEM #2 OLD BUSINESS

A. Church and Parsonage Status:

On Wednesday, May 14, Troy Hall was moved. Construction of the cement block walls for that building's crawl space will begin this week. All contracts with West Shore Engineering have been signed. Details for the Church parsonage move should come next.

B. Programs:

See Attendance Reports.

April school group attendance was of slightly from last year do to Easter break and a higher than normal cancellation rate. General attendance was up 22% over last year. One hundred people visited the Museum May 17 when we celebrated Michigan Day.

Preparations for the Pioneer Green Thumbs program are nearly complete as that program begins Saturday May 31.

Plans for Heritage Day in June are nearly complete.

Schools will receive a new Education Program brochure and mailing at the end of July. We will take reservations for the 2003/04 school year in August.

C. Interns:

Jeff Berryhill will be working as an intern at the Troy Museum Summer term June 24- August 13, 2003. Jeff has elected to work on compiling data for Crooks Road Cemetery. The scope of Jeff's work is:

1. Select one section for work based on GIS data available on May 12.

2. Meet with IT representative from the City, Bill Boardman, and Museum Staff member Ray Lucas to define parameters of access database for all records.
3. Complete condition report for each grave marker in section, recording all data from stone. Take digital photo of stone. (Jeff is aware that there is a great need for restoration of many stones. The information he gathers can be used to document the need for future fundraising efforts.)
4. Work with Museum Archivist, Mr. Lucas and Oakland County Historical and Genealogical Society to gather genealogical data on individual/ family in plots.
5. Record data in database.

Five Historical Society members have volunteered to assist with the records compilation portion of this internship.

D. Caswell Restorations:

Prices for the installation of new front steps and walkway and the support wall in the Caswell basement are due this week

ITEM #3 NEW BUSINESS

A. Troy Historical Society Liaison Report:

The Troy Heritage Campaign Committee continues to meet weekly. They will host a joint informational meeting with the Historical Society Board, Historic Commission and Historic District Commission on Tuesday, June 3. They are scheduling a meeting with the City manager for early June.

B. New Acquisitions:

See attached report.

C. HDC Nominations:

There is still one vacancy on the Historic District Commission. The Historical Society may have a nominee.

D. Physical Maintenance and Conservation Plan:

The Summary of the yearlong assessment by Gerald Yurk Associates is completed. Commission members are being provided copies for their review. Copies will also be submitted to City Council as an addendum to the Annual Report for FY 2003/03.

ITEM # 4 REPORTS AND COMMUNICATIONS

A. Visitors:

No report.

B. Staff:

Stephanie Zimnie is the new summer laborer. She will work May 5 through the first part of August. Stephanie is proving to be an excellent worker.

C. Commission Members:

Muriel Rounds suggested Loraine check out a very nice barn on 23 Mile Road between Hayes and Romeo Plank Road. The property is for sale and the surrounding area is scheduled for development.

The Troy Historical Commission meeting adjourned at 9:00 P.M.

The next regular meeting is scheduled on Tuesday, June 24, 2003. The meeting will begin at 7:00 p.m. with a tour of the buildings. Ed Bortner will take minutes at that meeting.

Respectively submitted,

Loraine Campbell
Museum Manager

TROY DAZE MINUTES MAY 27, 2003

Called to order at 7:32PM by Bob Berk

Present:	Bill Hall	Dave Swanson
	Jim Cyrulewski	Jeff Biegler
	Tonya Perry	Robert Preston
	Sue Bishop	Cheryl Whitton Kaszubski
	Bob Matlick	Cele Dilley
	Steve Zavislak	Cindy Stewart
	Kessie Kaltsounis	Bob Berk

Absent:	Dick Tharp	Jessica Zablocki
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Chairpersons & Guests:	Tom Kaszubski	JoAnn Preston
	Linda Hannon	Leonard Bertin
	Jeff Winiarski	Tom Connery
	Mike Gonda	Emily Burns
	Tarcisio Massaini	Tom Tighe
	Marilyn Musick	Dave Lambert
	Scott Wharff	Dan O'Brien
	Jeanne Stine	Yu Jing Wang
	Monica Govindaraj	Shirley Darge
	Cynthia Buchaan	

Motion by Cheryl, second by Cele, and carried, to excuse Jessica.

Minutes – Motion by Cheryl, second by Cele, and carried, to accept April minutes as submitted.

New Business – APPOINTMENT OF CHAIRPERSONS - No new Chairpersons to appoint at this time.

MILESTONE AWARDS - Milestone of 10, 15, 20, 25, and 30 years of recognition at Opening Ceremonies to groups that qualify. Jim has records from 1981 forward that would show how long each group has participated.

Old Business – UPDATE ON CONTRACTS – Jeff is in the process of contacting vendors for quotes, and when information is available, purchase orders will be processed in the computer. He will look into renting electric scooters this year as well as getting a larger stage with no dance floor.

Adjourned at 7:48PM.

Next Troy Daze Advisory Committee meeting June 24, 2003, at 7:30PM, followed by the Festival Committee meeting.

TROY DAZE MINUTES MAY 27, 2003

Called to order at 7:32PM by Bob Berk

Present:	Bill Hall	Dave Swanson
	Jim Cyrulewski	Jeff Biegler
	Tonya Perry	Robert Preston
	Sue Bishop	Cheryl Whitton Kaszubski
	Bob Matlick	Cele Dilley
	Steve Zavislak	Cindy Stewart
	Kessie Kaltsounis	Bob Berk

Absent:	Dick Tharp	Jessica Zablocki
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Chairpersons & Guests:	Tom Kaszubski	JoAnn Preston
	Linda Hannon	Leonard Bertin
	Jeff Winiarski	Tom Connery
	Mike Gonda	Emily Burns
	Tarcisio Massaini	Tom Tighe
	Marilyn Musick	Dave Lambert
	Scott Wharff	Dan O'Brien
	Jeanne Stine	Yu Jing Wang
	Monica Govindaraj	Shirley Darge
	Cynthia Buchaan	

Motion by Cheryl, second by Cele, and carried, to excuse Jessica.

Minutes – Motion by Cheryl, second by Cele, and carried, to accept April minutes as submitted.

New Business – No new Chairpersons to appoint at this time.

Milestone of 10,15,20,25,30 years recognition at Opening Ceremonies to groups that qualify. Jim has records from 1981 forward that would show how long each group has participated.

Old Business – UPDATE ON CONTRACTS – Jeff is in the process of contacting vendors for quotes, and when information is available, purchase orders will be processed in the computer. He will look into renting electric scooters this year as well as needing a larger stage and no dance floor.

Adjourned at 7:48PM.

Next Troy Daze Advisory Committee meeting June 24, 2003, at 7:30PM, followed by the Festival Committee meeting.

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, May 28, 2003 at 7:00 P.M., at City Hall in the Lower Level Conference Room. The meeting was called to order at 7:02 p.m.

MEMBERS PRESENT: Emily Burns
Allister Chang
Chris Cheng (arrived 7:45)
Min Chong
Juliana D'Amico
Raymond Deng (arrived 7:15)
Monika Govindaraj
Eric Gregory
Catherine Herzog
Maniesh Joshi
Andrew Kalinowski
Christina Krokosky (arrived 7:47)
Matthew Michrina
David Vennettilli
Manessa Shaw
YuJing Wang
Fred Wong

MEMBERS ABSENT: Ryan Chandonnet
Omar Hakim
Brian Rider

ALSO PRESENT: Lori Grigg-Bluhm, City Attorney
Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**
2. **Minutes**

Resolution # 03-05

Moved by Gregory
Seconded by Chong

RESOLVED, that the minutes of the April 23, 2003 meeting be approved.

Yeas: All – 14
No: None
Absent: Chandonnet, Cheng, Deng, Hakim, Krokosky, Michrina,
Rider

3. City & Other Information

- *Skate Park Fund Raiser (flyer)*
- *Family Aquatic Center (flyer)*
- *Troy Daze (flyer)*
- *TYC Press: Troy Today & Detroit News (2 clippings)*

- *Municipal Web Sites (Free Press clipping)*
- *Resignation of Fred Wong pending appointment to Troy Downtown Development Authority (DDA)*

4. Bylaws Adoption/Discussion, including:

- attendance policy & letter of understanding
- responsible to check email regularly to stay informed
- renewal policy (application)

Resolution # 03-05

Moved by Gregory

Seconded by Chong

RESOLVED, that the Bylaws and Operational Guidelines of the Troy Youth Council are hereby approved, a copy of which shall be attached to the original minutes of this meeting.

Yeas: All – 14

No: None

Absent: Chandonnet, Cheng, Deng, Hakim, Krokosky, Michrina,
Rider

5. Logo Adoption – The TYC voted on two logos; the adopted version shall be attached to the original minutes of this meeting.

6. Review of First Year of TYC & Ideas for the Future – this discussion may be continued at a later date, comments include:

- ✓ The TYC wants its voice heard more. People do not know about the TYC.
- ✓ Booth at Troy Daze – Emily Burns to investigate
- ✓ Were not included in the Teen Room Opening; We want to be invited to the Skate Park Opening
- ✓ More visitors from the outside
- ✓ Speakers – will look into scheduling some from the Police Department

Resolution # 03-06

Moved by Chong

Seconded by Kalinowski

RESOLVED, That the Troy Youth Council hereby requests that City Council approve taping of Youth Council monthly meetings so that they may be televised.

Moved by Chong

Seconded by Kalinowski

Yays: All - 17

Nays: None

Absent: Chandonnet, Hakim, Rider

7. **Guest Speaker:** Lori Grigg-Bluhm, City Attorney
Topic: the Legal Profession and Municipal Law, in honor of Law Day (May 1st)
8. **Suggestions for Future Agendas** – see #6 above
9. **PUBLIC COMMENT**

Reminder Next Meeting: **June 18th** 7:00 P.M.
Tentative Location: Community Center – watch email for confirmation.

The meeting adjourned at 8:39 p.m.

Laura Fitzpatrick, Assistant to the City Manager

TROY YOUTH COUNCIL

BYLAWS and OPERATIONAL GUIDELINES

The Mission of the Troy Youth Council is to provide Troy's youth with a voice in local government.

The Purpose of the Troy Youth Council is:

- a) To advise City Council on issues relative to the youth of Troy.
- b) To serve as youth ambassadors for the City of Troy.
- c) To encourage and promote the education of youth regarding city government and citizen participation.

Meetings

Regular meetings of the Troy Youth Council (TYC) shall be held on the 4th Wednesday of each month.* Meetings will begin at 7PM and adjourn by 8:30PM. Meetings may be extended thirty minutes by a majority vote of the TYC. Special meetings may be called by a vote of the group.

*Exceptions may be made and meetings not falling on the 4th Wednesday will be scheduled and publicized in advance (November & December due to holidays; and February & April due to school recesses). Additionally, a break in the monthly meetings may occur in the summer. This will be decided in advance by a vote of the TYC.

A majority of the membership of the TYC shall constitute a quorum and the number of votes necessary to transact business shall be a vote comprising a majority of the entire membership of the TYC.

Membership

The Troy Youth Council will consist of 20 members at the high school level (freshmen or older).

Each TYC member shall be selected to serve a period of twelve months (in most cases, a term of one school year plus one summer). Members will be chosen based upon successful completion of the application and appointment by City Council. Incumbent members may choose to serve additional terms, up until graduation from High School. Incumbent members wishing to renew their term must submit this request by July 1st by completing the term renewal application.

Email:

Email is the primary method of disseminating information from the Staff Liaison to TYC members. Important information about TYC meetings and events will be shared via email. Additionally, as youth ambassadors for the City, the TYC will regularly be kept informed about City news and events. Such information will be shared at monthly meetings as well via email (in between meetings).*

TYC members are responsible for getting an email account and checking it regularly. If a member does not have email access at home, s/he is expected to secure a free web-based email account (such as yahoo or hotmail). This account can be checked from public computer terminals at school or the City library. If a TYC member is unable to access email, they are expected to contact the City staff liaison or another TYC member to receive updated information.

Note: If a member's email address is out of order due to exceeding space quota, s/he should take steps to create space, or get a new free web based email account so that s/he can receive TYC information in a timely manner.

* TYC members should refrain from engaging in group dialogue over email re: agenda items (i.e. by using the "reply all" feature). Such electronic dialogue may violate the Open Meetings Act. Dialogue among the group as a whole is to take place at the monthly public meetings.

Resignations: Per Sect 6.5 of the City Charter, resignations of members of boards or commissions shall be made in writing and filed with the clerk. Should a TYC members wish to resign before their term is expired, a written resignation shall be submitted to the TYC staff liaison, who will forward it to the clerk.

Attendance

"4-3-2" Rule

<i># Meetings Missed</i>	<i>Consequence</i>
2 unexcused*	Forfeit option to renew seat on TYC.
3 consecutive	Forfeit option to renew seat on TYC.
4 total	Forfeit option to renew seat on TYC.

*An absence is excused if TYC member notifies the City staff liaison via phone, email, or voicemail by 6PM the day of the meeting. Providing a reason [for the absence] is not necessary. At the beginning of each meeting, the Staff liaison will provide the co-secretaries with a list of absences to be excused. Per City Charter, a motion must be made to excuse absent members.

An attendance report will be provided to the TYC at each meeting. This report will summarize year-to-date attendance numbers. It is the responsibility of the TYC members to police each other, putting pressure on members who miss meetings.

Letter of Understanding

Each TYC member will sign a letter of understanding. This letter will outline attendance requirements, the meeting schedule for 12 months, and the responsibility of TYC members to check email regularly. This letter will be signed at the first meeting.

Officers

The governing body of the Troy Youth Council will include rotating co-chairpersons and rotating co-secretaries. Rotations will be 3 meetings. These positions will be determined at the beginning of terms (August).

Co-Chair – Chairs will lead meetings, paying attention to the agenda topics and time frames. Meetings will be conducted according to parliamentary procedure. It is the responsibility of the co-chair to recognize those wishing to speak and to ensure that those who wish to speak have an opportunity to do so.

Co-Secretary – This position will record all meeting minutes for a period three (3) meetings. This activity includes but is not limited to taking roll and recording minutes of the meeting. Co-secretaries are expected to share these duties.

Conduct

Each TYC member must conduct himself or herself in a positive, friendly, and law-abiding manner at all times. Meetings will be conducted according to parliamentary procedure.

Bylaws Review

The Bylaws of the TYC shall be reviewed once each year. The Bylaws may be changed by a 2/3 majority vote of the entire membership. For purposes of revision in the first 18 months, the Bylaws will remain open for review through August 2003.

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chairman Storrs at 7:30 p.m. on June 3, 2003, in Conference Room "F" of the Troy City Hall.

1. ROLL CALL

Present

Gary Chamberlain
Dennis A. Kramer
Robert Schultz
Walter Storrs
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent

Lawrence Littman

Also Present

Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney

Resolution

Moved by Wright

Seconded by Chamberlain

RESOLVED, that Mr. Littman be excused from attendance at this meeting.

Yeas

All present (8)

Absent

Littman

MOTION CARRIED

2. MINUTES

May 6, 2003

Resolution

Moved by Chamberlain

Seconded by Schultz

RESOLVED to approve the May 6, 2003, Planning Commission Special/Study Meeting minutes as published.

Yeas
Chamberlain
Kramer
Schultz
Storrs
Vleck
Waller

Abstain
Strat
Wright

Absent
Littman

MOTION CARRIED

May 13, 2003

Mr. Vleck requested that the May 13, 2003 minutes be revised as follows:

(Underline denotes text to be added, strikethrough denotes text to be deleted)

Page 11: Mr. Vleck stated that the only precedent being set is for a developer to originally submit a sub-standard plan, make a lot of revisions to show that he/she is going through the PUD process, and receive approval that the proposal qualifies as a PUD project based on making lots of changes.

Page 20: Mr. Vleck indicated he is not in favor of the motion because the text contains references to the "largest working shift" which he ~~feels~~ thinks is too dynamic of a standard and makes the ordinance unenforceable. Since the largest working shift is based on a tenant that is unknown, the criteria would arrive at a fictitious number.

Page 30: Mr. Vleck stated he is not in favor of the motion because Section 03.43.01, (8) (q) references the "largest working shift" and he ~~feels~~ thinks the criteria would arrive at a fictitious number because tenancy is not known and therefore the largest working shift is unknown.

Resolution

Moved by Vleck

Seconded by Wright

RESOLVED to approve the May 13, 2003, Planning Commission Special/Study Meeting minutes as corrected.

Yeas
Chamberlain
Kramer
Schultz
Storrs
Vleck
Waller

Abstain
Strat
Wright

Absent
Littman

MOTION CARRIED

3. PUBLIC COMMENT

There was no one present who wished to speak.

4. PLANNING AND ZONING REPORT

Mr. Savidant presented a brief Planning and Zoning Report inclusive of the following items:

- Introduction of Mr. Thomas Strat, new Planning Commissioner who was appointed by the Mayor and approved by City Council at their June 2, 2003 Regular meeting to fill the vacancy created by the resignation of Ms. Cindy Pennington.
- Rochester Commons PUD (PUD-002) is slated for a City Council Public Hearing on June 16, 2003.
- Woodside Bible Church/Northwyck PUD (PUD-001) received Final Plan Approval from City Council on June 2, 2003. Site improvements are scheduled to commence.
- Krispy Kreme donut store was granted a parking variance by City Council on June 2, 2003, to reduce the required off-street parking spaces at Oakland Mall. A site plan for the new Krispy Kreme development at Oakland Mall is expected in the near future.
- The proposed ordinance text amendment to permit a landscape buffer or berm in lieu of a required parking area screening wall in Residential and C-F districts was tabled by City Council at their June 2, 2003 Regular meeting.
- Estates at Cambridge, a 10-unit subdivision on the east side of Beach Road in section 18, received Final Preliminary Plat approval by City Council on June 2, 2003. Construction can now commence.

5. SUB-COMMITTEE REPORTS

Amateur Radio Antenna – No report.

Gateway

Mr. Savidant reported that the committee is waiting for drawings from Professional Engineering Associates' Landscape Architect that will include gateway signage.

Special Use – Mr. Chamberlain reported this item would be discussed under agenda item #9.

Mr. Savidant suggested that the CR-1 Committee be added to the agenda Sub-Committee Report list for future meetings.

Mr. Waller further suggested that the Tree Preservation Committee be added to the agenda Sub-Committee Report list.

6. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Savidant presented a brief report on the May 21, 2003 Downtown Development Authority meeting.

7. BOARD OF ZONING APPEALS

Mr. Vleck presented a brief report on the May 20, 2003 Board of Zoning Appeals meeting.

8. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Savidant stated the petitioner met twice with Mr. Miller and the City's Planning Consultant since the May Regular Planning Commission meeting. The petitioner had suggested some revisions to the PUD and wished to discuss them with the Planning Commission.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio presented the revised site plan for the Sterling Corporate Center PUD. The site plan was revised to include a two-story restaurant with rooftop dining, attached to the west side of the parking structure. Mr. DiMaggio presented two alternatives. One alternative is for the parking structure to remain as previously submitted, and the other is to move the parking structure to the east to provide more room for outdoor seating and landscaping. He indicated that it was the preference of Mr. Miller and Mr. Carlisle at their last meeting to move the parking structure to the east to provide additional space for amenities along Wilshire Boulevard.

John Barker, architect from Hobbs & Black, was present. Mr. Barker stated that the materials proposed for the parking structure would be identical to the materials used for the office building.

Mr. Kramer asked if the new restaurant would be accessible from the office building through the parking structure. Mr. DiMaggio responded in the affirmative.

General discussion followed.

Mr. Savidant stated that although the Public Hearing for this item has been tabled to the June 10, 2003 Regular Meeting, the petitioner had not yet submitted updated plans for review. He suggested that the petitioner request to be tabled to a later meeting which would provide the Planning Department and Planning Consultant sufficient time to review the revisions.

9. ORDINANCE REVISION DISCUSSION – Special Use Approvals (ZOTA 197)

Mr. Chamberlain updated the Planning Commission on the efforts to date of the Special Use Approval Committee. He stated that he spent a considerable amount of time literally cutting and pasting the district regulations for the residential districts and that the more involved he became with the task, the more he found cross-referencing between articles. Mr. Chamberlain intends to eliminate the need to jump around the ordinance to determine what uses are permitted in a zoning district.

Further, Mr. Chamberlain stated he discovered an inconsistency within the Zoning Ordinance and asked the Planning Commission to recommend a solution. Accessory buildings are permitted by right in all districts, subject to the controls of Section 40.55.00. However, in Section 10.25.01, accessory buildings used for home occupations are prohibited. Mr. Chamberlain thinks these provisions appear to be contradictory.

Mr. Savidant suggested that a possible solution could be to add the statement “unless prohibited elsewhere in the Ordinance” to the provision in each district that permits accessory buildings by right.

Mr. Wright stated that in his opinion the provisions were not contradictory.

Ms. Lancaster said she would look into a possible solution with input from the Planning Department.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.20.13 or 28.30.00 Arts and Dance Schools (or Commercial Indoor Recreation) in Light Industrial Zoning Districts

Mr. Savidant explained that the Link School of the Arts is applying for a zoning ordinance text amendment because they established a dance school in an M-1 zoning district without permission from the City. Dance schools are not permitted within the M-1 district. The ZOTA request is to permit arts and dance schools within the M-1 District. City Management reviewed the request and determined that arts and dance schools would be included in what is known as indoor commercial recreation land use. In addition, City Management is open to careful consideration of allowing indoor commercial recreation in the M-1 Zoning District.

The Planning Department requested the Planning Commission to address three questions:

1. Should the M-1 Zoning District be amended to permit indoor commercial recreation uses?
2. If the M-1 Zoning District is to be amended to permit indoor commercial recreation uses, should the uses be allowed as a principal use permitted or a use permitted subject to special use approval?
3. Considering location standards, should indoor commercial recreation uses within M-1 Districts be restricted to major thoroughfare frontages or interior industrial sites? Or should there be no location standards?

Mr. Savidant reminded the Planning Commission that a text amendment would affect all M-1 property in the City, not just the use at 1077 Rankin.

Mr. Ken Posner, attorney for the applicant, was present. Mr. Posner stated that the applicant never intended to establish a non-conforming use in the M-1 district. He further stated that many communities in the area permit indoor recreational uses in industrial districts.

General discussion on this issue followed. A number of issues were raised included parking, structural issues such as restrooms and air conditioning, lack of sidewalks in M-1 areas, additional concessions, and the condition of the general area.

A general consensus was reached by the Commission that the request to permit indoor commercial recreational uses in the M-1 district is reasonable, and further to begin the process of preparing appropriate text language that would consider all the issues raised.

Mr. Savidant requested Mr. Posner to provide a letter to the Planning Department requesting that the ZOTA request be withdrawn from the June 10, 2003 Regular meeting agenda, which would allow time for the Planning Commission and Planning Department to prepare the amended text language.

11. ORDINANCE DISCUSSION – Discussion of Child Care Center Outdoor Play Area Requirements in R-1A-E (Article 10.30.03A), B-1, B-2 and B-3 (Article 20.25.02) and O-1 (Article 24.30.07)

Mr. Savidant referenced the fact that this was one of the items reviewed by Mr. Vleck in the BZA report. Grace Christian Learning Center requested a variance to reduce the size of their required outdoor play area. The BZA postponed the request until their June 17, 2003 meeting for two reasons: (1) to allow the Board to determine if conditions could be imposed on this variance request, and (2) to allow the petitioner the opportunity to seek a text amendment to address this condition.

A brief discussion followed.

Mr. Savidant stated that the applicant has not submitted a zoning ordinance text amendment (ZOTA) request. Ms. Lancaster stated that Alan Motzny, Assistant City Attorney, was researching the issue.

Mr. Chamberlain suggested that if a zoning ordinance text amendment was submitted, an expert in the childcare field could be brought in to advise the Planning Commission on the reasonableness of the standard.

Mr. Schultz suggested that verifiability could be an issue, since infants grow to become toddlers. This could impact the parking requirements if they were reduced in the past, based on the ratio of infants to non-infants, and this ratio changes over time.

There was general consensus that if the Planning Commission were to be given the task of amending the outdoor play area provisions, the issues discussed tonight should be considered.

12. BYLAWS

Ms. Lancaster presented the revised Planning Commission Bylaws.

The Planning Commission suggested additional revisions, including replacing designations of "Master Plan" with "Future Land Use Plan", adding definitions for various types of meetings and clarifying the process for selecting a BZA representative.

Ms. Lancaster noted the suggested changes and will provide the revisions in final format at a future meeting.

13. REVIEW OF JUNE 10, 2003 REGULAR MEETING

The Planning Commission reviewed the list of future items. General discussion followed.

14. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Storrs explained the history of the Charleston Club Condominium and the Harrington Park Condominium developments, located on the north side of Long Lake, west of Livernois. The developments abut each other and received approval from the Planning Commission in 2001. As a condition of approval, the Planning Commission required a pedestrian connection between the two developments. A sidewalk connects the

developments, however Charleston Club has erected a wall between the two developments in an attempt to create a "gated community".

Resolution

Moved by Waller

Seconded by Wright

RESOLVED, that since members of the Planning Commission have discovered that the Charleston Club Condominium development is not in compliance with the approved site plan of August 28, 2001, the Planning Commission hereby recommends to City Council that the City Attorney be given the authority by City Council to take whatever enforcement actions are necessary to bring the Charleston Club Condominium development into compliance with the approved site plan.

Yeas

Chamberlain

Kramer

Storrs

Strat

Vleck

Waller

Wright

Nays

Schultz

Absent

Littman

MOTION CARRIED

Mr. Schultz stated that sidewalks within condominiums are private and should not be required to connect to adjacent residential development. He said that requiring this connection is akin to requiring abutting single family residential developments to provide a hole in their fence to allow for pedestrian connection.

Mr. Vleck stated that he agrees with Mr. Schultz in principal, however he thinks that since the applicant agreed to provide this connection as a condition of site plan approval, it needs to be provided.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:45 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT JUNE 4, 2003

The Chairman, Leonard Bertin, called the meeting to order at 7:00 pm Wednesday, June 4, 2003.

Present: L Bertin, member C Buchanan, member
 S Burt, member K Gauri, member
 D House, member N Johnson, member
 P Manetta, alternate D Kuschinsky, member
 D Pietron, member J Rodgers, member

Present: M. Grusnick, staff
 M McGinnis, staff

Absent: A Done, member J Shah, alternate
 J Shah, student

ITEM B – APPROVAL OF MINUTES OF MEETING OF MAY 7, 2003

Kuschinsky made a motion that the Minutes of May 7, 2003 be approved. Supported by Rodgers. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

Vicki Richardson is the new Solid Waste Coordinator for the City of Troy and is also in charge of the Home Chore Program. Vicki has had the position for only a short time, but stated that Oakland County was at the City on Wednesday June 4, 2003 to discuss the program and explain the forms needed for enrollment.

Richardson stated that the contractor for grass cutting this year is new to the City. The name of the service is Kathy's Lawn Service, and she is hoping for a smooth transition. She will also be coordinating snow removal in the winter, but does not know if it will be the same company as last year.

Richardson stated that the Home Chore program in Troy has 84 clients at the present time and it is a federal funded program. She stated that there are no income or age restrictions for persons with disabilities.

Also attending the meeting was Arlene Kass who is on staff of the Variety FAR Conservatory of Therapeutic and Performing Arts in Birmingham MI. FAR stands for Fun, Arts and Recreation and is a tax-exempt organization supported by various individuals, groups and corporations. They use the creative arts therapy and recreation services for children and adults with cognitive, physical and/or emotional impairments. Kass would like to have programs available at the Community Center in Troy. Bertin would like to recommend that the Parks and Recreation Department review the literature that Mrs. Kass brought with her, it will be forwarded to Carla Vaughn.

ITEM D – NEW BUSINESS

The Detroit Radio Information Service Group is interested in featuring the Disabilities Committee on their radio program. Bertin would like to have Angie Done participate since she has a site impairment. This group is also interested in having a booth at the Disabilities Expo.

ITEM E – REGULAR BUSINESS

Members to attend City Council meetings are as follows:

June 16, 2003	Bertin
July 7, 2003	Buchanan
July 21, 2003	Done
August 4, 2003	Pietron

As is custom this Committee will not meet in the month of July, because of the 4th of July Holiday. It will meet on August 6th to coordinate the ABILITY EXPO activities and organize the booth for the Disabilities Committee.

ITEM F – OLD BUSINESS

Bertin has completed the invitations and application forms for the ABILITY EXPO and they are ready to mail. Several of the Committee members will help get these ready for mailing after the meeting.

ITEM G – INFORMATIONAL ITEMS

ITEM H - ADJOURN

Kuschinsky made a motion to adjourn the meeting at 8:03 pm. D Pietron seconded the motion. All voted in favor.

MG:mm

Advisory Committee for Senior Citizens
Minutes of June 5, 2003

Present: David Ogg, Chairman Lawrence Jose, Member
Ed Forst, Vice-Chairman JoAnn Thompson, Member
Bill Weisgerber, Member Carla Vaughan, Staff
Steven Banch, Member

Excused: Jane Crowe, Member Merrill Dixon, Member
Jo Rhoads, Member

Absent: None

Visitors: Doug Haxer, Wells Fargo Reverse Mortgage
Barbara Holmes, Deputy City Clerk

Approval of Minutes: Motion by Larry Jose, supported by Ed Forst that the minutes of May 1, 2003 be approved as amended: Bill Weisgerber submitted a list of considerations for rules and procedures (copy attached). Ayes: All Nays: None MOTION CARRIED.

Visitor Comments:

Doug Haxer gave a presentation on reverse mortgages and said that he will be giving a presentation to the entire senior group soon.

Oath of Office for Re-appointed Members:

Larry Jose and JoAnn Thompson were sworn in by Deputy City Clerk Barbara Holmes.

Old Business:

Senior Brochures to Library: Ed Forst took some brochures to the Library and will take more when more are printed.

Review and Approval of By-Laws and Rules of Procedures: Mr. Ogg presented a draft of the by-laws and rules of procedure. A discussion was held and Mr. Weisgerber suggested minor revisions of three items. Motion by Larry Jose, seconded by Steven Banch that the document be approved and that Mr. Ogg check with the City Attorney's Office regarding the suggested revisions. Ayes: 4 Nays: 2. MOTION CARRIED.

Troy Daze: The Committee will participate in the parade and have a table and drive the golf carts for Senior Sensation Day. Motion by Larry Jose, seconded by JoAnn Thompson that Bill Weisgerber work with Carla to get seniors involved in the parade to showcase Parks and Recreation programs for seniors. Ayes: 5. Nays: 1. MOTION CARRIED.

New Business

Election of Officers: David Ogg was reelected chairman. Ed Forst was reelected vice-chariman, and JoAnn Thompson will be the representative to OLHSA.

Cancellation of July and August Meetings: Motion by Larry Jose, seconded by Ed Forst to cancel the July and August meetings. Ayes: 4. Nays: 0. Abs: 2. MOTION CARRIED.

Nutrition Advisory Council: Emerald Food Service is forming a nutrition advisory council that will meet quarterly beginning in October. Motion by Bill Weisgerber, seconded by JoAnn Thompson that Mr. Ogg contact Emerald Food Service about changing the name of this committee so that it is not confused with the Senior Advisory Committee. Ayes: 6. Nays: 0. MOTION CARRIED.

Suggestions

There were several suggestions that David Ogg will follow up on regarding:

- Moving bingo to the lunchroom
- Clarification that Community Center membership is not required to take classes.
- The gray sign out front is hard to read
- The line dance group wants coffee available when they take their afternoon break. Both the café and the senior lunchroom coffee are closed.
- Shuffleboard at the Community Center (Larry Jose will bring this up to the Park Board)

Reports

Park Board: Larry Jose reported that the driving range will open in several weeks. The City is working on the Ash Borer problem. Meetings to discuss redevelopment of park land are on hold due to budget restraints. A new site must be found for the cricket field.

Medi-Go: No report.

Lunch Attendance: No report.

Senior Program Report: Carla reported that instructor training for the SeniorNet computer lab has been held and more than 30 senior volunteers were trained. A coordinating council has been appointed. Results of a Spring 2003 Physical Activity Survey were distributed (copy attached).

OLHSA: Mr. Ogg reported that doctors in Oakland County are looking for a way to get prescription drugs for needy seniors from Canada.

The meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Carla Vaughan, Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, June 11, 2003, at City Hall, 500 W. Big Beaver, Troy, MI Conference Room C. The meeting was called to order at 3:03 p.m.

TRUSTEES PRESENT: Mark Calice
Charles Campbell
Robert Crawford
Thomas Houghton, Chair
David A. Lambert
John Szerlag

TRUSTEES ABSENT: John M. Lamerato

ALSO PRESENT: Laura Fitzpatrick

MINUTES

Resolution # 03-18

Moved by Calice

Seconded by Campbell

RESOLVED, that the minutes of the May 14, 2003 meeting be approved.

Yeas: All 6

Absent: Lamerato

EXCUSE ABSENT MEMBERS

Resolution # 03-19

Moved by Lambert

Seconded by Szerlag

RESOLVED, that John Lamerato be excused.

Yeas: All 6

Absent: Lamerato

OTHER BUSINESS – PRIOR GOVERNMENTAL SERVICE

The Board received and filed a report, which will be attached to the original minutes.

INVESTMENTS

Resolution # 03-20

Moved by Houghton

Seconded by Lambert

RESOLVED, That the following investments be purchased: Purchase \$1,000,000 Citi Group Inter Notes 4.85%, due 6/15/13; 3,000 shares VIACOM; 5,000 shares Anheuser Busch; 10,000 shares Home Depot and 10,000 shares YUM.

Yeas: All 6

Absent: Lamerato

The next meeting is July 9, 2003 at 3:00 p.m. at the City Hall Conference Room C.

The meeting adjourned at 3:51 p.m.

LIBRARY ADVISORY BOARD MINUTES - DRAFT

JUNE 12, 2003

ITEM # 1 Joanne Allen, Vice-Chairman, called the meeting to order at 7:30 P.M., on Thursday June 12, 2003.

ITEM # 2—ROLL CALL PRESENT: Joanne Allen
Lynne Gregory
Audre Zembrzuski
Steve Zhang, Student Representative

STAFF: Brian Stoutenburg, Library Director

Motioned by Zembrzuski
Supported by Gregory

Moved to excuse Brian Griffin and Nancy Wheeler.

Yeas: 3 — Ayes. Allen, Gregory, Zembrzuski.

ITEM # 3 APPROVAL OF MINUTES OF MEETING OF MAY 1, 2003

Motioned by Zembrzuski
Supported by Gregory

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 1, 2003.

Yeas: 3 — Ayes. Allen, Gregory, Zembrzuski

ITEM # 4 APPROVAL OF AGENDA

Motioned by Gregory
Supported by Zembrzuski

MOVED, TO APPROVE AGENDA AS AMENDED

Yeas: 3 — Ayes. Allen, Gregory, Zembrzuski

ITEM #5 — POSTPONED ITEMS

None

ITEM #6 REGULAR BUSINESS

- A. Space Needs/Feasibility Study – A discussion was held outlining the process of an RFP, forming a task committee of Board members, Friend's Board members, staff and students, creating an evaluation form, and making visits to newer libraries in the area. Further discussion is scheduled for next meeting.

B. Behavior Policy in the Library – A discussion was held outlining issues around eating and drinking, cell phone use, sleeping and enforcement. The discussion will continue at next meeting.

C. Election of Officers – This item was postponed until next meeting.

ITEM #7 — REPORT AND COMMUNICATIONS

Director's report:

The parking lot is under construction and will take about a month to complete. New entryway carpet has been installed and the interior painting has begun.

Board Member comments.

Zembrzusi commented that the Asian Heritage program that was part of the Shared Inheritances series at the Library was excellent and well received. She asked if a videotape could be secured from Community Affairs. Gregory asked where staff was parking during the construction – at remote lots requiring a bit more walking.

Friends of the Library.

Minutes from the Annual Meeting were noted. Several Friends and Stoutenburg attended the Friends of the Library USA Linking in Flint where the main topic was advocacy.

Monthly Reports (May).

Circulation for the month of May compared with the same time period a year ago showed an increase of 15.2%. There was an increase in Patron visits by 7.1%. Program attendance was up 10%. The number of library programs offered was down 4%. As of the end of May we have already surpassed the number of items checked out for the entire fiscal year 2001/02. Electronic Database use was up by 118%.

Staff Changes.

New Employees: Lauren Fowler, Library Assistant; Mary Newton, Substitute Librarian; Chelsea Zaug, Page.

Resigned: Vani Balagopalan, Page; Annette Ponichter, Library Aide.

Gifts.

One gift of \$200.00 was received.

Informational Items.

June TPL Calendar, SLC Board Minutes (April, 2003), MLA Michigan Libraries (May/June 2003).

Contacts and Correspondence.

19 written comments from the public were reviewed.

Public Participation. There was no public participation.

The Library Advisory Board meeting adjourned at 8:40 P.M.

Respectively submitted,

Brian Stoutenburg
Library Director

PARKS AND RECREATION ADVISORY BOARD

Minutes of June 12, 2003

Present:	Doug Bordas, member	Ida Edmunds, member
	Kathleen Fejes, member	John Goetz, member
	Larry Jose, member	Orestes Kaltsounis, member
	Tom Krent, member	Meaghan Kovacs, member
	Jeff Stewart, member	Janice Zikakis, member
	Jeff Biegler, staff	Carol K. Anderson, staff

Absent: Deanna Ned

Visitors: John Szerlag, City Manager

A motion by Tom Krent, supported by Janice Zikakis, that the minutes from May 8, 2003 be approved as submitted.

Ayes: All

Nays: None

MOTION CARRIED

Mr. Krent distributed a compilation of City staff/Council actions regarding naming of parks.

John Szerlag spoke about the naming of the golf course. Mr. Szerlag explained that the Policy Governing the Naming of Public Places (Res # 86-559) is followed when consideration is made for names of people and/or organizations. He also apologized on behalf of City management for the Park Board not having formal input into the planning process for the naming of the golf course.

Mr. Szerlag distributed a memo to Council for the June 16, 2003 agenda regarding this matter. Mr. Szerlag stated that his memo to Council outlines four options for the name and/or naming the Council.

John Goetz stated that one function of the Park Board is to name the parks and by not allowing the Park Board to complete this task, the Park Board is non-functioning.

Mr. Krent disagreed with the interpretation of the policy. Ms. Edmunds suggested that the Park Board offer recommendations on the name. Mr. Jose noted that the winner was notified before the Council received the name. Mr. Bordas and Mr. Kaltsounis stated past practice has been that public park names of any kind have been sent to the Park Board. Tom Krent and Kathleen Fejes stated they were opposed to the name for various reasons.

Discussion continued regarding the meaning and connotation of the term "Sanctuary." Ms. Edmunds suggested a descriptive term be added to the name.

Mr. Goetz stated the methodology for choosing the name is the problem.

After much discussion about the name and methodology of the name chosen for the golf course, the following motion was made:

A motion by Tom Krent, supported by Orestes Kaltsounis, that the Parks and Recreation Advisory Board recommend to City Council that the Parks and Recreation Advisory Board be given the opportunity to review names for the golf course and that a recommendation be made and forwarded to the City Council for approval.

Ayes: 8

Nays: 2

MOTION CARRIED

After further discussion:

A motion by Ida Edmunds, supported by Doug Bordas, that the Board recommend to City Council that a unique, descriptive term be added to The Sanctuary Golf Club such as "The Sanctuary Lake Golf Club," "Nature Sanctuary Golf Course", or "The Golf Course Sanctuary."

Ayes: 9

Nays: 1

MOTION CARRIED

Mr. Szerlag stated that City staff will propose additional language be added to the Policy Governing the Naming of Public Places (Res #86-559) which will include criteria and procedures for names of parks and public places that are not dedicated to a person and/or organization.

Mr. Szerlag spoke about the cricket location and the process for choosing the cricket field location, contract and resident concerns.

Mr. Szerlag spoke of the interest of the Rotary Club in contributing to the development and naming of a park as Rotary Park. The club representatives have indicated that Sylvan Glen may be suitable. Board members indicated that there may need to be a sponsorship policy or naming rights policy developed before consideration of this kind of naming.

NEW BUSINESS

A. New Golf Course - Ms. Anderson informed the Park Board of several Robart St. homeowners interest in buying the City property that abuts their property due to trespassers on their property and the fact that they have maintained this property for years. Park Board members expressed concern about riparian rights, what future use might be and if the area could be gated.

B. Summer Meeting Schedule -

A motion by Tom Krent, supported by Kathleen Fejes, that there will not be a July or August, 2003 meeting.

Ayes: All

Nays: None

MOTION CARRIED

C. Park Design - Carol Anderson reviewed the park design cost estimates as provided by M.C. Smith Associates. It is known that there are no budgeted funds for development in 2003-2004.

Mr. Szerlag gave an overview of the City budget and approval process.

D. Skatepark Opening - Jeff Biegler indicated that construction is underway and will be complete within a few weeks, weather permitting. The grand opening will be announced to the board as soon as it is known. It is expected that skaters be allowed to use the park as soon as it is ready with the opening celebration later.

E. Golf Course Tour - Though no tour of the course was possible, Park Board members were able to tour the clubhouse, see part of the course from the clubhouse and see the parties/outings pavilion.

Member Comments - Mr. Bordas asked if the City dictated the time used/dates for TYSL. Ms. Anderson explained that the City informs/works with TYSL on what fields are available for any season but does not dictate dates nor times. There are some automatic restrictions such as the hours available because of daylight, fields being rested/rotated and the new demand for small fields (of which we have not converted the desired number of fields). The spring season is short because games cannot start before the weather cooperates and the desire by TYSL to be finished by early June.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Carol K. Anderson
Parks and Recreation Director

The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, June 17, 2003.

PRESENT: Christopher Fejes
Marcia Gies
Michael Hutson
Mark Maxwell
Matthew Vleck
Kenneth Courtney

ALSO PRESENT: Mark Stimac
Allan Motzny
Pam Pasternak

ABSENT: Matt Kovacs

Motion by Maxwell
Supported by Hutson

MOVED, to excuse Mr. Kovacs from this meeting for personal reasons.

Yeas: All – 6

MOTION TO EXCUSE MR. KOVACS CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 21, 2003

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of May 21, 2003 as written.

Yeas: All – 6

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #6

Motion by Courtney
Supported by Hutson

MOVED, that Items #4, #5 and #6 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: All – 6

MOTION TO APPROVE ITEMS #4, #5, AND #6 AS PRINTED IN THE AGENDA EXPLANATION CARRIED

ITEM #4 – RENEWAL REQUESTED. TROY SCHOOL DISTRICT, 4777 NORTHFIELD PARKWAY, for relief of the 4'-6" high masonry-screening wall required along the west side of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 4'-6" high masonry-screening wall required along the west property line of the site, which abuts residential zoning. This relief has been granted on a yearly basis since July 1988 based on the fact that this does not cause an adverse effect on properties in the immediate vicinity. This item last appeared before this Board at the meeting of June 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant the Troy School District, 4777 Northfield Parkway, a three-year (3) renewal of relief of the 4'-6" high masonry screening wall required along the west property line of the site, which abuts residential zoning.

- Variance does not have an adverse effect to surrounding property.
- Conditions remain the same.
- We have no complaints or objections on file.

ITEM #5 – RENEWAL REQUESTED. CLARK RETAIL ENT, INC., 3400 ROCHESTER ROAD, for relief to maintain a 6' high fence in place of the 6' high masonry-screening wall required along the east and a portion of the north property line.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board to maintain a 6' high fence in place of the 6' high masonry-screening wall required along the east and a portion of the north property line. This variance has been granted on a yearly basis since 1985, based on the preference of the adjacent owners to have the wood fence and landscaping in lieu of the masonry wall. This item last appeared before this Board at the meeting of June 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Clark Retail Ent. Inc. 3400 Rochester Road, a three-year (3) renewal of relief to maintain a 6' high fence in place of the 6' high masonry-screening wall required along the east and a portion of the north property line.

- Conditions remain the same.
- We have no complaints or objections on file.

ITEM #6 – RENEWAL REQUESTED. THE LUTHERAN CHURCH OF THE MASTER, 3333 COOLIDGE, for relief to maintain a berm along the west side of off-street parking in lieu of the required 4'-6" high masonry screening wall.

ITEM #6 – con't.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board, for relief of the 4'-6" high masonry-screening wall required along the west property line. In 1976 permanent relief was granted to allow a landscaped berm along approximately 80' of the property line as an obscuring element. In 1981 parking was increased and the Board allowed this berm to be extended. This item last appeared before this Board at the meeting of June 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant the Lutheran Church of the Master, 3333 Coolidge, a three-year (3) renewal of relief to maintain a berm along the west side of off-street parking in lieu of the required 4'-6" high masonry screening wall.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #3 – RENEWAL REQUESTED. G.J. SLAGON & ASSOCIATES, 1000 JOHN R., for relief of the 6' high masonry-screening wall required along the east and south property lines.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 6' high masonry-screening wall required along the east and south property lines. The walls are required where this non-residentially zoned property abuts residential zoned property. This relief was originally granted in 1981, primarily due to the fact that the easterly portion of the property line has a retention pond adjacent to it and the south property line abuts the parking lot for the senior citizen complex. This item last appeared before this Board at the meeting of June 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

Motion by Courtney
Supported by Hutson

MOVED, to postpone the request of G.J. Slagon & Associates, 1000 John R., for relief of the 6' high masonry-screening wall required along the east and south property lines until the meeting of July 15, 2003 to allow time to publish a Public Hearing, in order to consider making this a permanent variance.

Yeas: All – 6

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JULY 15, 2003
CARRIED

ITEM #7 – VARIANCE REQUESTED. PPG INDUSTRIES, 5875 NEW KING, to maintain a landscaped berm in lieu of the 6' high masonry-screening wall required along the west property line by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting a variance for relief of the 6' high masonry-screening wall required along the west property line that abuts residential zoning. This relief was originally granted in 1988 based on the fact that the petitioner installed a berm in place of the wall and the adjacent property owners approved of the alternate screening. This item last appeared before this Board at the meeting of May 20, 2003 and was postponed to allow the Building Department to publish a Public Hearing in order to make this a permanent variance. Public hearing notices have now been sent to the adjacent property owners advising them of this consideration.

Mr. Russ Bischoff, Manager of Administration and Customer Service of PPG Industries, was present and brought in pictures which reflected the growth of the trees along the property line. Mr. Bischoff also stated that he thought this berm was aesthetically pleasing.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Courtney
Supported by Vleck

MOVED, to grant PPG Industries, 5875 New King, a permanent variance to maintain a landscaped berm in lieu of the 6' high masonry-screening wall required along the west property line that abuts residential zoning as required by Section 39.10.01.

- Variance is not contrary to public interest.
- Variance does not have an adverse effect to surrounding property.
- Berm looks much nicer than a screening wall.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUESTED. MR. & MRS. GARY SHEREDA, 5231 CROWFOOT, for relief to construct a family room addition with a rear yard setback of 25.5' where 40' is required by Section 30.10.04.

ITEM #8 – con't.

Mr. Stimac explained that the petitioners are requesting relief of the rear yard setback to construct a family room addition. The site plan submitted indicates that the proposed family room addition would result with a 26.55 rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District. This item first appeared before this Board at the meeting of April 15, 2003 and was postponed to allow the petitioners the opportunity to explore the possibility of reducing the size of this addition. At the meeting of May 21, 2003 the Building Department received a request from the petitioners asking once again that this item be postponed.

Mr. & Mrs. Shereda have now submitted a revised site plan, showing a smaller addition, which would result with a 32.55' rear yard setback.

Mr. & Mrs. Shereda were present and stated that they are asking for a 10' x 26' addition to the back of their home. Mr. Shereda stated that they had contacted two different contractors and the reason they need 10' is to make the addition wheelchair accessible. Mr. Shereda explained that they are the second house off the corner and indicated that many of the homes in the area have additions and swimming pools, and they wish to be able to enjoy their property. A storm drain is also at the rear of their property and Mr. Shereda stated that they are having a problem with bugs and mosquitoes and his elderly mother is afraid to go outside because of this condition. Mr. Shereda also said that the original patio is 31' x 20' and this request is now smaller than what was originally proposed.

Mr. Courtney asked if the Shereda's had checked their deed restrictions to determine if this addition could be added. Mr. Shereda said that they have restrictions regarding fences, sheds and antennas but does not believe there are any that would cover this addition. Mr. Courtney indicated that if there are deed restrictions in place they would not be able to put up an addition and the Homeowner's Association would enforce these restrictions.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals and three (3) written objections on file, which were received at the time of the original Public Hearing.

Mr. Hutson indicated that he did not feel that there was a hardship with the land, and because this is a large variance request, does not feel justified in supporting this request due to the fact that this addition would encroach on the neighbor behind them and the surrounding area. Mrs. Gies, Mr. Courtney and Mr. Vleck all agreed with Mr. Hutson's assessment.

ITEM #8 – con't.

Motion by Vleck
Supported by Gies

MOVED, to deny the request of Mr. & Mrs. Gary Shereda, 5231 Crowfoot, for relief to construct a family room addition with a rear yard setback of 32.55' where 40' is required by Section 30.10.04.

- Petitioner did not demonstrate a hardship with the land.
- Variance is contrary to public interest.
- Variance would have an adverse effect on surrounding property.

Yeas: All – 6

MOTION TO DENY REQUEST CARRIED

ITEM #9 – VARIANCE REQUESTED. MR. THOMAS DOOLEY, 2872 WATERLOO DRIVE, for relief of the rear yard setback to construct a family room addition with a 35.1' rear yard where 40' is required by Section 30.10.04.

Mr. Stimac explained that the petitioner is requesting relief of the rear yard setback to construct an addition to their family room. The site plan submitted indicates an addition to the family room with a proposed 35.1' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District. This item first appeared before this Board at the meeting of May 21, 2003 and was postponed to allow the petitioner to meet with his architect to determine if he can expand his family room and still comply with the Ordinance.

Mr. Dooley has now submitted a revised site plan indicating a proposed 10' addition with a 39.1' rear yard setback.

Mr. Dooley was present and stated that they had met with their architect and determined that although they could downsize their addition to 10', they would still require a variance for 9/10 of a foot. Mr. Dooley said that they could not make this addition any smaller and had talked to his neighbors and they did not oppose this addition.

Mrs. Gies asked if they had looked at the difference between 10' and 12'. Mr. Dooley said that he thought that the Board would be happier with 10' and had not talked to the contractors regarding a 12' room. Mr. Dooley also said that if the Board would grant him a 12' addition he would be happy to let his contractor know that this would be allowed.

ITEM #9 – con't.

Mr. Courtney asked Mr. Dooley if this was the smallest addition he could put on his home. Mr. Dooley said that if he had made this addition any smaller, it would no longer be economically feasible. Mr. Dooley also said that eventually they would like to add a second floor addition and felt that this would allow them to be closer to compliance with the Zoning Ordinance.

Mr. Fejes asked why Mr. Dooley wished to put on this addition. Mr. Dooley indicated that they would like to improve the layout of their home and give them more room.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file, which was received at the time of the original Public Hearing.

Mr. Hutson stated that although Mr. Dooley had not demonstrated a hardship with the land, he did not feel this request would create an adverse effect on surrounding property due to the fact that it was only for 9/10 of a foot.

Motion by Hutson
Supported by Courtney

MOVED, to grant Mr. Thomas Dooley, 2872 Waterloo Drive, for relief of the rear yard setback to construct a family room addition with a 39.1' rear yard setback where 40' is required by Section 30.10.04.

- Variance request is minimal.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. MR. & MRS. RICK HOWARD, 2051 E. BIG BEAVER, for relief to have a day care center for 145 children with 16,637 square feet of outdoor play space where 21,750 square feet are required by Section 10.30.03.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct additional parking area at the existing day care center at 2051 E. Big Beaver. Section 10.30.03 of the Troy Zoning Ordinance requires that a minimum of 150 square feet of outdoor play area be provided for each child cared for at the center. For the 145-child capacity that is proposed, a minimum of 21,750 square feet of outdoor

ITEM #10 – con't.

play space is required. The site plan submitted indicates that only 16,637 of square feet of outdoor play space are proposed.

This item last appeared before this Board at the meeting of May 20, 2003 and was postponed to allow the Board to determine if certain conditions could be imposed on this variance request; and, to allow the petitioner the opportunity to seek a text amendment to address this condition.

Mr. Maxwell asked Mr. Motzny to explain to the Board what his findings were on this matter. Mr. Motzny said that he had done quite a bit of research and found that current court interpretations would allow for a condition to be placed on the variance that only a certain number of mobile children would be allowed to use the play area.

Mr. Maxwell then asked how many parcels were involved in this variance request. Mr. Stimac said that the property is separated, and when the construction of the parking lot begins the Building Department would ask that these two parcels be combined. Mr. Stimac also said that there is a portion of the second parcel of land that the petitioners own but do not wish to develop at this time.

Mr. Courtney asked if a variance would be required if all of these parcels were combined. Mr. Stimac said that if they did not make one of the areas additional play space, a variance would still be required.

Mr. & Mrs. Howard were present and stated that they did not have anything further to add except that the portion of the second piece of property was not considered as part of the day care center. Mr. Maxwell asked if they would consider adding this property as part of the play area. Mrs. Howard said that several trees would have to be removed and she did not think it would be economically feasible to put a play area in this section.

Mr. Fejes asked how many children would be in the play area at one time. Mrs. Howard indicated that at total capacity, she has 145 children in the day care center, 38 of which are infants and do not use the play area. Mr. Fejes then asked if one group of children moves out before another group moves in. Mrs. Howard said that basically that is correct and also that they have three (3) classrooms and rotate the children in these classrooms on the play area, so all three classrooms are not outside at the same time unless there is an emergency. Mr. Fejes then asked what Mrs. Howard's intentions were regarding the remainder of the second lot. Mr. Howard said that right now they do not have any definite plans for that property they own, and Mrs. Howard said that they want to hold on to because it is commercial property and would appreciate in value.

Mr. Fejes then asked if the variance would expire if the petitioners sold the property. Mr. Stimac explained that the variance runs with the land, and new owners would have to abide by whatever this Board granted. Mr. Fejes then asked what the repercussions

ITEM #10 – con't.

would be to the City if this property were sold. Mr. Stimac said that if the maximum number of children allowed for this facility was 145, a new facilitator would have to abide by the same conditions. Mr. Stimac also stated that the petitioners are asking for a reduction in the allowable amount of play space based on the fact that they would be limited to the maximum number of children that would be using the play space.

Mr. Maxwell then asked what would happen if a future operator came in and expanded the area. Mr. Stimac explained that this play space allows for 111 children, and if a future user came in and limited the facility to 111 children the variance would no longer be required. Mrs. Howard said that the State comes in and measures each classroom and determines the maximum number of children allowed for each area. Mrs. Howard also said that anyone using this facility would be limited to 145 children.

Mr. Vleck asked what agency monitors this facility. Mrs. Howard stated that it is monitored by the Department of Social Services. Mr. Vleck then asked if each child had to be registered with the Department of Social Services. Mrs. Howard explained that before the day care center is opened the State comes out and checks each facility, and then does random checks to make sure that these centers are not over capacity. Mr. Vleck then asked if they go through the paper work. Mrs. Howard said that they come in to each classroom and do a head count and occasionally go through the paper work.

Mr. Courtney said that these are State requirements and now it would be up to the City to regulate the proper number of children in this facility. Mr. Vleck said that he was not sure how this number would be maintained or tracked by the City. Mr. Stimac said that based on his experience, the State Department of Social Services will dictate the interior size of the facility based on the number of students, but based on the Fire Code, they could put in a larger number of students than the State would allow; however, based on the exterior area of the building the City Codes are more restrictive than what the State is. Mr. Stimac also said that trying to determine the age of children allowed in a day care center is a step that is not currently enforced.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Courtney
Supported by Hutson

ITEM #10 – con’t.

MOVED, to deny the request of Mr. & Mrs. Rick Howard, 2051 E. Big Beaver, for relief to have a day care center for 145 children with 16,637 square feet of outdoor play space where 21,750 square feet are required by Section 10.30.03.

- Petitioner did not demonstrate a hardship with the land.
- Believes petitioners should file to have the City Ordinance changed with the Planning Commission and City Council.

Mr. Maxwell stated that he feels that the petitioner meets the intent and spirit of the Ordinance and feels that the variance should be granted with the condition that the play space be limited to 110 children. Mr. Maxwell further stated that he feels that there are enough checks and balances in place that would help to determine the petitioner complying with the conditions of the variance.

Mr. Hutson said that he feels that the petitioner has an option to comply with the Ordinance by adding the extra parcel, but doesn't want to do that because of the possibility of financial gain. Mr. Hutson further stated that he feels that enforcement of the conditions of the variance would be very difficult. Mr. Hutson stated that the variances that are granted regarding setbacks have not called in the veracity of the Ordinance; however, this variance is calling for a fundamental change in the Ordinance. Mr. Hutson also stated that he feels the petitioner should go before the Planning Commission and City Council.

Mr. Vleck said that he believes that he would support the variance request and thinks that the capacity limit could be enforced by the Code Enforcement Department.

Mr. Courtney stated that this is the first day care center to ask for a variance and believes they are opening the door for other centers to request a variance, and believes that there should be a Zoning Ordinance change.

Mr. Fejes said that he felt that a condition of the variance would be that only a certain number of children would be allowed in a play area and that it would meet the spirit of the Ordinance. Mr. Courtney said he did not agree, and still feels that the petitioner should request a change in the Ordinance.

Mr. Maxwell then asked for a vote on the motion to deny this request.

Yeas: 3 – Courtney, Gies, Hutson
Nays: 3 – Fejes, Maxwell, Vleck

MOTION TO DENY REQUEST FAILS

Motion by Vleck
Supported by Gies

ITEM #10 – con't.

MOVED, to grant Mr. & Mrs. Rick Howard, 2051 E. Big Beaver, relief to have a day care center for 145 children with 16,637 square feet of outdoor play space where 21,750 square feet are required by Section 10.30.03.

- Facility be limited to 110 children over the age of 2 ½ years old.
- Variance is not contrary to public interest.
- The Code Enforcement Division will monitor age and number of children.

Yeas: 4 – Fejes, Gies, Maxwell, Vleck

Nays: 2 – Courtney, Hutson

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. TONY V'S SUNROOMS & SPAS, REPRESENTING SERAGIO LOVISA, 929 PORTSMOUTH, for relief to construct a rear yard addition with a 35' rear yard setback where 45' is required by Section 30.10.02.

Mr. Stimac explained that the petitioners are requesting relief of the rear yard setback to construct an addition. The site plan submitted indicates a three-season room addition on the rear of the home with a proposed 35' rear yard setback. Section 30.10.02 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1B Zoning Districts.

Tony Rea from Tony V's Sunrooms & Spas was present and stated that there is an existing patio that is 12' x 18' and asked if the City had changed the setback requirements recently. Mr. Stimac stated that the City of Troy has five (5) different residential zoning classifications and each one has different lot sizes and therefore different setbacks. Mr. Stimac said that this home is located in an R-1B Zoning Classification and has had a 45' setback since it was originally developed.

Mr. Rea said that this lot is different in shape and in order to comply with Ordinance, the only addition allowed would be 2'. Mr. Rea further stated that even with a 10' addition, a variance would be required for 8'.

Mr. Maxwell asked if any other options were available as to the location of this addition and Mr. Rea said that they could put the addition coming off of the family room. Right now the addition is coming off the bedroom to make access easier for Mr. Lovisa. Mr. Rea said that the reason they want the addition in this area is to allow Mr. Lovisa to go in and out without requiring assistance. Mr. Rea then asked if the easement that is located on the property would have a bearing on where the addition is located. Mr. Stimac explained that setbacks are determined from the property lines regardless of where easements are located.

ITEM #11 – con't.

Mr. Rea then asked what the front yard setback is and Mr. Stimac said that in the R-1B Zoning District the front yard setback is 40'.

Mr. Courtney asked for clarification on where this addition would be coming off of this home. Mr. Rea said that it was off the bedroom, and Mr. Courtney asked if the variance request would be smaller if the addition were to come off the family room. Mr. Rea said he thought it would only be a couple of feet less.

Mr. Fejes asked for clarification on the owner of the property. Mr. Rea said that although Mr. Lovisa owns the home, his daughter and her husband lived there and he moved in with them in order for them to take care of him, due to the fact that he is incapacitated to the point where he cannot dress or feed himself. Mr. Rea further stated that they were planning to put in a hot tub in order for Mr. Lovisa to be able to relax. Mr. Rea also said that no matter where they put the addition a variance would be required. Mr. Fejes then asked where the family room was located and Mr. Rea said it is on the other side of the back of the home. Mr. Rea also said that he thought if the sunroom were added on that side of the home the variance request would be smaller.

Mr. Vleck asked if a smaller sunroom were feasible. Mr. Rea said that the reason they wanted a 12' room was to put in a larger hot tub, but in fact could downsize the addition and put in a smaller hot tub. Mr. Rea said they could make the room 10' if they had to. Mr. Rea said they he thought perhaps they could put in a room coming off of the family room, which would only require a 4' or 5' variance.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file, one of which is Mr. Lovisa's. There are no written objections on file.

Motion by Courtney
Supported by Vleck

Moved, to postpone the request of Tony V's Sunrooms & Spas, representing Seragio Lovisa, 929 Portsmouth, for relief to construct a rear yard addition with a 35' rear yard setback where 45' is required by Section 30.10.02 until the meeting of July 15, 2003.

- To allow petitioner to determine if a 10' addition could be put on the house.
- To allow petitioner to explore the possibility of adding this addition to the family room, which would result in a lesser variance request.

Yeas: All – 6

ITEM #11 – con't.

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF JULY 15, 2003
CARRIED

ITEM #12 – VARIANCE REQUESTED. TONY GALLO OF CAR WASH BUILDERS, INC., 1350 LIVERNOIS, for relief to convert an existing commercial building to a car wash with 1,987 square feet of countable landscaping where 3,993 square feet of landscape is required by Section 39.70.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to convert an existing commercial building at 1350 Livernois to a car wash. Section 39.70.04 of the Zoning Ordinance requires a minimum of 3,993 square feet of countable landscaping be provided on a site this size. The site plan submitted indicates that only 1,987 square feet of countable landscaping will be provided.

Mr. Courtney asked if the landscaping requirement would be met if the back of the property were landscaped. Mr. Stimac explained that countable landscaping has to take place in either the front or side yard of a property. Anything that is landscaped behind the front of the building is not considered as countable landscaping.

Mr. Hutson asked if this request had gone to the Planning Commission. Mr. Stimac indicated that they had gone to the Planning Commission and the Planning Commission made the stipulation that they appear before the Board of Zoning Appeals to request a reduction in landscaping.

Mr. Gallo was present and stated that they wished to take over a vacant building on Livernois and convert into a fully automated car wash system. Mr. Gallo said that they are trying to comply as best they can with the property they have. Due to the fact that the lot is 60' x 645' deep, they are unable to put in landscaping in the front yard setback. Mr. Gallo indicated that they had gone before the Planning Commission and proposed to landscape the part of the property they are developing, which is approximately 19,500 square feet of space and are proposing approximately 1,980 square feet of landscaping. The other option proposed to the Planning Commission was that they dispose of the property to the rear and then they only own 19,500 square feet and therefore they would meet the landscape requirements. Mr. Gallo stated that they had approached Kmart to negotiate a trade for the property to the north of this building by trading the rear of their property for the 25' in front. If they are successful in this trade they could provide as much landscaping as possible. Mr. Gallo also said that Kmart has indicated to them that they would be happy to take the rear property, but are unwilling to give up the 25' in front.

Mr. Courtney asked what was proposed for this building. Mr. Gallo indicated that they plan to a major reconstruction of this building by taking this facility down to the footings, while still utilizing whatever improvements they can. Mr. Gallo also said that they

ITEM #12 – con't.

needed to move the building by one foot as it encroaches on the Kmart property. Mr. Gallo also said that this building is setback 100' from the front property line.

Mr. Hutson clarified the fact that if the petitioner were to be able to trade the rear of this property for the 25' of the front of Kmart's they would then comply with the landscape requirement. Mr. Gallo confirmed that this was correct and Mr. Hutson stated that he felt that this was absurd to expect the petitioner to donate the land in the back in order to meet the requirement.

Mr. Courtney asked if they planned to get rid of the property in the rear. Mr. Gallo stated that they would like to retain ownership of this property, and if they receive their variance, they would then approach the neighbor to the north and try to negotiate a trade.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Vleck
Supported by Courtney

MOVED, to grant Tony Gallo of Car Wash Builders, Inc., 1350 Livernois, relief to convert an existing commercial building to a car wash with 1,987 square feet of countable landscaping where 3,993 square feet of landscape is required by Section 39.70.04.

- If petitioner retains the property at the rear of this lot, this area would be cleaned up and maintained.
- Variance would not have an adverse effect to surrounding property.
- Absent a variance, conformance would be unnecessarily burdensome.
- Variance is not contrary to public interest.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #13 – VARIANCE REQUESTED. PATIO ENCLOSURES ON BEHALF OF MR. & MRS. T. ZIMCOSKY, 1744 PICADILLY DR., for relief to construct a porch enclosure with a 40' rear yard setback where 45' is required by Section 30.10.02.

ITEM #13 – con't.

Mr. Stimac explained that the petitioners are requesting relief of the rear yard setback to construct a porch enclosure. The site plan submitted indicates a rear porch enclosure with a proposed 40' rear yard setback. Section 30.10.02 requires a 45' rear yard setback in the R-1B Zoning District.

Mr. Courtney asked if there was an existing enclosure in this area and Mr. Zimcosky stated that there is a deck and a high fence that encloses the deck.

Mr. & Mrs. T. Zimcosky were present and stated that they have a unique configuration to their lot due to the fact that they are located on a cul-de-sac, which moves their home farther back than other homes in the area. Mr. Maxwell asked if they were planning to cover the existing deck. Mr. Zimcosky stated that presently they plan to use the flooring of this deck as the floor for this new sunroom.

Mr. Courtney asked what would happen to the existing fence and Mr. Zimcosky stated that the fence would come down.

Mr. Hutson asked if the configuration of the lot affect this house as to the setback. Mr. Stimac explained that because it is on a cul-de-sac the setback line follows the circle and this home does sit farther back than other homes around it.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Motion by Fejes
Supported by Hutson

MOVED, to grant Patio Enclosures on behalf of Mr. & Mrs. Zimcosky, 1744 Picadilly Drive relief to construct a porch enclosure with a 40' rear yard setback where 45' is required by Section 30.10.02.

- Home is located on an odd shaped lot due to the fact that it is on a cul-de-sac.
- Variance is not contrary to public interest.
- Variance does not cause an adverse effect to surrounding property.
- Variance applies only to the property described in this request.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #14 – VARIANCE REQUESTED. DANIEL LEEBOVE, OLYMPUS CORPORATION, 141 & 153 CHOPIN (PROPOSED ADDRESSES), for relief to split a parcel of property resulting in two parcels that are 7,200 square feet each where a 7,500 square foot minimum lot size is required by Section 30.10.06.

Mr. Stimac explained that the petitioner is requesting relief to construct two new houses. The site plan submitted indicates demolishing the existing house at 139 Chopin and splitting the property into two 60' wide lots. Each proposed lot would have only 7,200 square feet of area. Section 30.10.06 of the Zoning Ordinance requires a 7,500 square foot minimum area for lots in R-1E Zoning Districts.

Mr. Leebove was present and stated that he has owned this property for the last four (4) years and has used it as a rental property. This property has become vacant and now he would like to split this lot and put two homes on the property. Mr. Leebove pointed out that he is a builder in this area and feels that these homes would improve the area. Mr. Leebove also said that due to the fact that the neighbors' garages are setback on the adjoining property, he does not feel that he can approach them to purchase extra property.

Mr. Maxwell asked about the chart, which was put into the packets. Mr. Leebove explained that he had color coded the different lots to indicate which homes were on 40' lots, 60' lots, and the lots that he is requesting the variance on.

Mr. Courtney asked if there were any homes in the area that complied with the Ordinance. Mr. Stimac said that from this chart he would assume that the majority of the lots that were not colored in would probably comply with the Ordinance. Mr. Stimac also said that this subdivision was platted in the 1920's, and that the lots were 40' wide x 120' deep. Mr. Stimac also indicated that by today's standards, these lots would be considered smaller than what is now required to meet minimum lot standards.

The Chairman opened the Public Hearing.

Nancy McDermott, 160 Chopin stated that she had purchased her home in this area because she liked the character of the homes and the different size lots, and is also concerned about the removal of 3 or 4 mature trees. Ms. McDermott is concerned that traffic will increase with the construction of these homes and does not believe that there is a hardship upon which to base a variance. Ms. McDermott objects to this variance request.

Andrew Aird, 165 Chopin stated that he lives right next door to this property. Mr. Aird does not want to see these homes built and then become rental properties. Mr. Aird also said that he has an 80' lot and his home sits to one side. Mr. Stimac explained that Mr. Aird has a double lot. Mr. Stimac further explained that Mr. Leebove owns three 40' lots. Mr. Aird also expressed concern over what type of house would be built on these lots and how far back from the front property line these homes would be placed. Mr. Stimac explained that the petitioner had submitted plans, which indicated a 5' setback

ITEM #14 – con't.

from Mr. Aird's property and 26' from the front property line to the face of the garage where 25' is required, and the home to the west of this property is located approximately 29' from the front property line. Mr. Aird then asked how far this home would be located from the other neighbor, and Mr. Stimac said it would be approximately 10' from the side property line.

Mr. Vleck stated that they are not approving the site plan, the Board is just approving the fact that Mr. Leebove can put two homes on this lot.

Mr. Aird asked if the City would monitor the distance from the property line for the location of each home. Mr. Maxwell explained that the Board is only there to grant a variance to allow two homes to be built on this lot. Mr. Stimac stated that the house envelope shown on the proposed plan submitted by Mr. Leebove does comply with the Ordinance. Mr. Stimac also indicated that perhaps the Board could impose a condition on the variance, which would center the homes on the lot. Mr. Aird stated that he does not have a problem with this variance request as long as the property does not revert to rental property.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There is one (1) written objection on file.

Mr. Hutson stated that these lots were platted many years ago and the City has increased the square footage of homes, and believes that we are going in the wrong direction by putting larger homes closer together.

Mr. Courtney said that he thinks that the Planning Commission and City Council did a lot of work on these lots, and believes that this part of the Ordinance should be followed.

Mr. Maxwell asked if Mr. Leebove had any response to the people that had spoken against this request. Mr. Leebove said that he would be more than willing to center the homes on these lots, if that is what the Board requires. Mr. Leebove also said that he lives in the area and these homes are not being built as rental homes.

Mr. Vleck said that usually he would agree with his colleagues, however, he thinks in the long run these homes would create an improvement to the area. Mr. Vleck also said that he would be more concerned that a single home could potentially decline the character of the neighborhood.

Mr. Maxwell stated that he feels this is a very small variance request.

Motion by Vleck
Supported by Gies

ITEM #14 – con't.

MOVED, to grant Daniel Leebove, Olympus Corporation, 141 & 153 Chopin (proposed addresses), for relief to split a parcel of property resulting in two parcels that are 7,200 square feet each where a 7,500 square foot minimum lot size is required by Section 30.10.06.

- A minimum of 7.5' side yard setbacks will be provided.
- Variance is minimal and is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Mr. Courtney asked if the motion could be amended to require 10' setbacks abutting the existing neighbors on the east and west sides. Mr. Vleck and Mrs. Gies agreed with the amendment. Therefore, the motion would include the following conditions and findings:

- A minimum of 10' side yard setbacks will be provided adjacent to the existing homes to the east and west.
- Variance is minimal and is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 - Maxwell, Vleck, Fejes, Gies

Nays: 2 – Courtney, Hutson

MOTION TO GRANT REQUEST CARRIED

ITEM #15 – VARIANCE REQUESTED. ITALY AMERICAN ON BEHALF OF MR. & MRS. MARK STEPHENSON, 3899 WOODMAN, for relief to construct a roof over an existing uncovered patio with a 32.85' rear yard setback where a 45' foot rear yard setback is required by Section 30.10.02.

Mr. Stimac explained that the petitioner is requesting relief to construct a roof over an existing uncovered patio. The site plan submitted indicates a 32.85' rear yard setback to the proposed covered patio. Section 30.10.02 requires a 45' minimum rear yard setback in a R-1B Zoning District.

Mr. & Mrs. Mark Stephenson were present and stated that they know they are requesting a substantial variance, but their lot is irregularly shaped and the proposed roof would come out of the family room. Mrs. Stephenson also said that there is a brick wall that extends 2' past the patio. Mrs. Stephenson explained that they have two young children, one of which has special needs, which include vision impairment and requires physical therapy several times a week. Mrs. Stephenson said that they would like to get their older son outside and this is very difficult due to the condition of their baby. Mr. Stephenson said that they do not intend to enclose the patio at all, all they are asking for is protection for their children from the elements. Mrs. Stephenson said this roof would only require two (2) posts and would not be obtrusive to the surrounding

ITEM #15 – con't.

neighbors. Several of the neighbors support this request and Mrs. Stephenson had provided copies with their signatures indicating approval.

Mr. Maxwell asked for a description of what type of structure would be installed at this home. Mrs. Stephenson explained that all they are asking to do is put a roof over the existing deck and said that because of the way the home is situated there is nowhere else to put this roof.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file. There are no written objections on file.

Mr. Hutson expressed concern over the fact that eventually someone would come back to the Board and request that this area be enclosed, which would require another variance.

Mr. Fair from Italy American also pointed out that based on the drawings submitted, they are planning to add a dormer to this home and all construction will take place at the rear of the home. Mr. Fair further stated that the dormer and this proposed roof will be consistent with this construction. Mr. Fair also said that the Stephenson's couldn't enclose this area and have no intentions of doing so.

Mr. Maxwell asked where the roof was going to be placed and Mr. Fair said that it would go over the existing patio and no further. Mr. Maxwell indicated that this was a substantial variance request. Mrs. Stephenson said that she thought that due to the fact that the deck and wall were in place, these structures would have required variances due to the fact that they encroach into the rear yard setback. Mr. Stephenson said that the deck goes over the cement slab approximately 2 ½'. Mr. Stimac explained that an uncovered, unenclosed deck or patio can encroach into the rear yard setback 15'.

Mrs. Stephenson said that in order to put in the proper supports, you would have to go into the existing slab and then add another deck and the cost would be exorbitant.

Mr. Vleck asked if they had considered a retractable awning. Mr. Stephenson said that they have and the cost is between \$4,000 and \$8,000, and companies will only guarantee them for one year. Mr. Stephenson indicated that without this variance they would probably move in order to find a home that would have some type of coverage for their child. Mr. Vleck said that the Board is very sympathetic to their plight; however, he does not see a hardship with the land.

Mr. Maxwell asked if there were any options available which would change the amount of the variance request. Mr. Fair said that if he makes the structure smaller, he would have to demo the entire concrete floor and the cost would be very high, and he would

ITEM #15 – con't.

still encroach in the rear setback. Mr. Fair also said that he is not going to enclose this area.

Mr. Stimac asked if the existing slab had footings under it. Mr. Fair said that it did not and that was the reason they wished to go past the cement slab and put in the posts. Mr. Stimac then asked if they could saw cut the existing slab 2' and then put in the posts. Mr. Fair said that there is an existing structure in place and does not feel it would be correct to cut into this slab.

Mr. Courtney asked why they couldn't pull the posts in closer and Mr. Fair said if he did that he would have to cut into the existing concrete and he did not wish to do this.

Mr. Fair said that he did not feel the roof over this patio would fit with the dormer addition that is planned.

Mr. Vleck again stated that he is very sympathetic with the petitioners, however, because this is a very large variance request, he would not be able to support this request.

Motion by Vleck
Supported by Gies

MOVED, to deny the request of Italy American on behalf of Mr. & Mrs. Mark Stephenson, 3899 Woodman, for relief to construct a roof over an existing uncovered patio with a 32.85' rear yard setback where a 45' rear yard setback is required by Section 30.10.02.

- Petitioner did not demonstrate a hardship with the land.
- Variance would be contrary to public interest.
- Variance would have an adverse effect to surrounding property.

Yeas: All – 6

MOTION TO DENY REQUEST CARRIED

There was some discussion after the motion regarding a plan that could come back to the Board. Mr. Maxwell suggested that they contact the Building Department to determine if an alternative plan is available. Mr. Fair asked how much of a change would be required to come back to the Board of Zoning Appeals and Mr. Maxwell stated that standard practice indicated that it would have to be at least a 10% difference in order to be heard as a new request by the Board.

ITEM #16 – VARIANCE REQUESTED. CARL GUNDERSEN, 2775 RED FOX TRAIL, for relief of the Zoning Ordinance to construct a detached garage, which will be located partially in a side yard where Section 40.57.03 limits the location of accessory buildings to a rear yard location.

Mr. Stimac explained that the petitioner is requesting relief to construct a detached garage. The site plan submitted indicates that the proposed detached garage is partially in a side yard. Section 40.57.03 of the Zoning Ordinance prohibits the location of an accessory building in any yard except a rear yard.

Mr. Gundersen was present and stated that they wished to add this garage in order to use for extra storage and in the side yard there is a 10' brick wall. Mr. Gundersen further explained that the garage will have a brick veneer and will connect to the existing 5' of this brick wall so that it will look like one structure. Mr. Gundersen said that if he has to go back 5 ½' he would have to remove very large lilac bushes and believes that this would create an eyesore. Mr. Maxwell asked if it would be necessary to remove an existing large mature tree, and Mr. Gundersen said that the footings would be dug so close to the tree that he would probably lose it.

Mr. Courtney asked what the current garage is used for. Mr. Gundersen said that it holds two cars, woodworking equipment, a garden tractor and he would like to add this extra building in order to open up some space in the attached garage. Mr. Gundersen also said that he does not like a shed and does not want to put one in.

The Chairman opened the Public Hearing.

Mr. James Powers, 2759 Red Fox Trail, which is next door to Mr. Gundersen. Mr. Powers said that they had purchased the property in 1967 and is worried about the encroachment of other structures. Mr. Powers said that they like the fact that the area has side entrance garages and wide open spaces. Mr. Powers said at least if a shed went up it would be at the rear of the property and is concerned that this garage will detract from the character of the neighborhood. Mr. Powers also indicated that he did not believe Mr. Gundersen would use this space for cars, but believes he would use it as a machine shop. Mr. Powers believe that the original Ordinance should be changed in order to put this structure in the side yard. Mr. Maxwell said that if he moved it back 5 ½', Mr. Gundersen would be able to construct this garage without a variance. Mr. Powers said that they have trouble with drainage in the area and is also concerned that more construction will create more problems.

Mr. Vleck asked where Mr. Powers' property was located, and Mr. Powers stated that he was directly east.

Mr. Courtney asked if Mr. Powers had a preference as to the location of this structure and Mr. Powers said he would rather not have it in at all, however, if necessary he would like it constructed where Mr. Gundersen is requesting.

ITEM #16 – con't.

No one else wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file (one from owner of property). There is one (1) written objection on file.

Mr. Courtney asked if a variance would be required if this structure was put in the back yard. Mr. Stimac said that Mr. Gundersen could back 5 ½' and comply with the Ordinance, and Mr. Gundersen said if he had to go back 5 ½' he would not build. Mr. Stimac asked if there were deed restrictions regarding detached garages and Mr. Gundersen said that he is not aware of any. Mr. Stimac suggested that this structure could be moved over 10' and a variance would not be required because it was an attached garage rather than a detached garage.

Mr. Maxwell asked why Mr. Gundersen would not want an attached garage. Mr. Gundersen said that he did not think it would look good, he would probably lose the large mature tree and believes access would be very difficult.

Mr. Vleck also said that if they were going to dig footings near the existing tree, there would be a good chance that they would damage the roots of the tree. Mr. Gundersen also said that if he went back 5 ½', he would probably have to add 30 yards of fill.

Mrs. Gies asked if there was an active Homeowners Association. Mr. Gundersen said he was not aware of an Association. Mrs. Gies and Mr. Vleck both cautioned Mr. Gundersen to make sure that there are no deed restrictions that would prohibit the construction of a detached garage. Mr. Gundersen said that even if there is a Homeowners Association and believes that any deed restrictions should be changed.

Motion by Courtney
Supported by Gies

MOVED, to grant Carl Gundersen, 2775 Red Fox Trail, relief of the Zoning Ordinance to construct a detached garage, which will be located partially in a side yard where Section 40.57.03 limits the location of accessory buildings to a rear yard location.

- Variance is not contrary to public interest.
- Variance will cause less of an infringement to neighboring property.
- Variance applies only to the property described in this application.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

Mr. Maxwell asked Mr. Vleck if the petitioner for 2051 E. Big Beaver had ever applied for a Zoning Ordinance text amendment. Mr. Vleck said that they have not, and due to the fact that they received their variance, he did not believe that the Planning Commission would spend a lot of time researching this item. Mr. Maxwell then asked Mr. Vleck to suggest to the Planning Commission that they review the Ordinance regarding the amount of play space area for each child.

The Board of Zoning Appeals meeting adjourned at 10:18 P.M.

MS/pp

HISTORIC DISTRICT COMMISSION MINUTES-DRAFT

JUNE 26, 2003

MEETING CALLED TO ORDER AT 7:50 p.m. P.M.

PRESENT: Dorothy Scott
 Wilson (Deane) Blythe
 Paul Lin
 Anne Partlen
 Barbara Chambers

ABSENT: Marjorie Biglin

STAFF: Loraine Campbell, Museum Manager

ITEM #1 APPROVAL OF MINUTES OF MEETING OF MARCH 18, 2003
 (NOTE: THE APRIL 16, 2003 MEETING WAS CANCELLED FOR LACK OF QUORUM.)

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MARCH 18, 2003.

ITEM #2 OLD BUSINESS**A. Chapter 13:**

The Commission reviewed additional edits suggested by Dean Blythe. Points of concern included:

1. Sec 2.4.B Membership of the Commission shall consist of seven (7) to a maximum of nine (9) members. This wording reflects the maximum number of members permitted by state statute.
2. Sec 2.5.B Ask Allan Motzny to review this new language to determine if it should be more clear.

Paul Lin also brought forward a request that the City of Troy clearly state that professionals serving as volunteer members of boards and commissions who express opinions related to their areas of expertise are not held liable for those comments as they are not retained to provide services as official consultants.

The Commission favors adopting the new Chapter 13, which is in compliance with the state statute. This will allow Troy to complete an application for designation as Certified Local Government entitled to apply for State Historic Preservation grants.

MOVED, TO APPROVE THE REVISIONS TO CHAPTER 13 AS AMENDED AND WITH POINTS OF CONCERN EXPRESSED TO THE CITY ATTORNEY.
 YEAS — 5: BLYTHE, LIN, SCOTT, PARTLEN, CHAMBERS.
 NAYS — 0.

ITEM #3 NEW BUSINESS**A. Balthazar Korab House:**

Russell Lewis of Oakland County Planning and Economic Development Services spoke to the Commission regarding the estate of architectural photographer Balthazar Korab. In the next year Mr. Korab and his wife are planning to sell their four-acre estate with house and studio. They would like to insure that it could not be subdivided. Mr. Lewis discussed with the Commission the possibility of the Korab seeking historic designation for the site. Loraine will forward application materials to them.

B. Request for Historic Home improvement by Charlene Harris:

Did not attend the meeting.

C. Review of Troy Heritage Campaign:

Loraine Campbell reviewed the plans of the Troy Heritage Campaign for Commission members.

D. Barbara Chambers

Barbara Chambers attended a regional workshop sponsored by the Michigan Historic Preservation Network and obtained useful information for the Commission.

MOVED, TO APPROVE REIMBURSE BARBAR CHAMBERS \$75 FOR REGISTRATION FEE PAID TO ATTEND THE MICHIGAN HISTORIC PRESERVATION NETWORK CONFERENCE.

YEAS — 5: BLYTHE, LIN, SCOTT, PARTLEN, CHAMBERS.

NAYS — 0.

HDC meeting adjourned at 9:45 P.M.

The next regular meeting is scheduled for Tuesday, September 17, 2003 Troy City Hall in Conference Room C.

Respectively Submitted,

Loraine Campbell
for Marjorie A. Biglin, Secretary



TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
 ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY
 CAROLYN F. GLOSBY, ASSISTANT CITY ATTORNEY
 SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY
 ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: June 30, 2003
SUBJECT: 2003 SECOND QUARTER LITIGATION REPORT

The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the second quarter of 2003 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

1. Troy v. Papadelis- This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order has been entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the Court's order, and therefore a Contempt Motion was filed. Oakland County

Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay \$1,000 to the City of Troy. However, the Court also determined that the defendants were currently in compliance with the City of Troy zoning ordinances. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. **After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners have filed a Motion to Intervene, which has not yet been scheduled by Federal US District Court Judge Arthur Tarnow.**

2. Swider v. Flagstar Bank and City of Troy- This case was filed by Mr. Swider, requesting the City to deny permits for the renovation of the bank building located at the corner of Long Lake Road and Rochester Road. Plaintiff argues that the planned renovations would constitute an unlawful expansion of a non-conforming structure. Swider's request for injunctive relief was denied, and the case will now proceed to discovery. Discovery continues between Swider and Flagstar Bank. **The City of Troy has been dismissed from this lawsuit.**
3. Jimmy & Bushra Issa v. City of Troy- The City of Troy denied the rezoning requested by Plaintiffs for their property at the corner of Wattles and Dequindre Road. The Plaintiffs were seeking commercial zoning to allow for a gas station on the property. The Plaintiffs then filed this lawsuit against the City. This property is also the subject of a condemnation action, where the City took two 27-foot strips of property for the road widening project. Troy's motion for summary disposition has been scheduled for July 9, 2003.
4. Williams et. al v. City of Troy and Ken Freund- Some of the residents in the Middlesex Country Homesites Subdivision have filed this lawsuit against the City and developer Ken Freund. The lawsuit challenges that the City of Troy improperly approved the Freund Site Condominium project without requiring an official replat of the property. The Troy City Council granted preliminary approval of the site condominium plan on March 3, 2003. Discovery is on going at this time.

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the

compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

1. Livernois Project

- a. Troy v. Howard- A motion for summary disposition is scheduled to be heard 5/21/03. **The parties are waiting for a decision from the Circuit Court judge on the motion for summary disposition. Trial is set for August 14, 2003.**

2. Parkland Acquisition (Sections 22, 24, 36)

- a. Troy v. Matthews Farms L.L.C. et. al- Case evaluation set for 6/11/03. **A status conference is set for 9/24/03.**
- b. Troy v. Livernois Road Partners, L.L.C. et. al- Case evaluation on 5/9/03. **Facilitation has been ordered. Trial is set for 10/28/03.**
- c. Troy v. Ronald Theuer-Mandatory facilitation set for 4/28/03. **Jury trial concluded on May 20, 2003, and a judgment has been entered.**
- d. Troy v. Blanton/ Smith- Case evaluation set for 6/11/03. **Trial set for 8/18/03.**

3. Maple Road Project

- a. Troy v. Maple Lane - Maple Road Project-Discovery. **Trial set for 11/17/03.**
- b. Troy v. 2100 E. Maple - Maple Road Project- Discovery. **Trial set for 11/17/03.**
- c. Troy v 2100 E. Maple Road # 2- Discovery. **Trial set for 11/17/03.**

4. Long Lake Road

- a. Troy v. Marilyn Kay Miller Trust- **Case evaluation set for 7/25/03.**
- b. Troy v.Elias & Fahamie & Allen Metry- **Case evaluation set for 8/20/03.**
- b. Troy v.Richard & Mary Rauhut- **Case Evaluation set for 8/20/03.**
- d. Troy v. Helen Nawrocki & Richard Rauhut- **Case evaluation set for 8/20/03.**
- e. Troy v. Joseph & Patricia Molenda- **Case evaluation set for 8/20/03.**
- f. Troy v. Jimmy & Bushra Issa- **Case evaluation set for 8/20/03.**

5. John R. Road Sidewalk Project

- a. Troy v. James & Amy Lewis- Discovery. **Consent Judgment entered June 23, 2003.**
- b. Troy v. Ann Stromar, Mark Turpen, David Koether & Mary Ballard- City has possession. The descendants of Maude Eyster, titleholder of record to the western 60 feet, have been determined. Mrs. Stromar (the owner of the home on the property), and the heirs of Maude Eyster remain in the case until clear title can be obtained. The defendants, heirs of Maude Eyster, are expected to file a motion requesting a decision on the apportionment between parties. **The defendants' motion is set for 9/10/03.**

6. Miscellaneous

- a. Troy v. JMJ Land Investment Company- Dennis Powers Drain Project- Case evaluation was 4/11/03. **Trial is set for 10/23/03.**
- b. Troy v. Corazza- Dequindre project- Jury trial resulted in a verdict of \$665,000 as just compensation. The case is scheduled for a hearing on 4/30/03 to determine the amount of expert witness fees to be paid to the defendants. **A consent judgment was entered on 5/8/03, which included a portion of the costs and expert witness fees requested by Defendants.**
- c. Troy v. O'Reilly Trust et. al- The City now has possession of the property. **Discovery.**

D. TAX CASES

These are cases in which the property owner has disagreed with the tax assessment made by the City. In most cases, the Assessor represents the City at the Tax Tribunal. The City Attorney's Office handles cases if they are filed in the circuit court, Michigan Court of Appeals, Michigan Supreme Court, and also tax tribunal matters that involve questions of law.

1. EDS (Electronic Data Systems) v. City of Troy et. al- This is a case at the Michigan Court of Appeals that has been consolidated with cases against Flint Township, the City of Buena Vista, the City of Southfield, the City of Auburn Hills, the City of Swartz Creek, and the Township of Grand Blanc. The Tax Tribunal dismissed the EDS petitions challenging their personal property assessments for EDS (Electronic Data Systems) as untimely, since they had failed to comply with the Tribunal rules. EDS is now seeking to overturn this decision, and allow the petitions to proceed on the merits. Oral arguments were heard at the Court of Appeals on September 17, 2002. The municipalities prevailed in this matter, since the Tax Tribunal dismissals were affirmed by the Michigan Court of Appeals. In addition, EDS' Motion for Reconsideration was also denied. An Application

for Leave to Appeal to the Michigan Supreme Court was filed, and a decision on the Application and the municipal response is expected in the immediate future. **Leave to appeal was denied by the Michigan Supreme Court on May 30, 2003.**

E. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that their civil rights were somehow violated by the City and/or the police officers of the City of Troy.

1. Sauger v. Troy- This is a case where Plaintiffs argue that the Troy police department violated the Fourth Amendment rights of Jason Sauger and his parents when they entered into his home to effectuate an arrest. They also raise a periphery of other claims in their complaint, including excessive force, invasion of privacy, and malicious prosecution. Prior to the commencement of discovery, Troy filed a motion for dismissal, arguing that Plaintiffs had failed to set forth viable claims against Troy and its officers. The Court granted the motion in part, and dismissed several claims. However, the Court was unable to render a decision as to all claims without additional facts (beyond the facts set forth in the complaint). The City Attorney's Office continued to represent the City and Chief Craft. However, Michigan Municipal Risk Management Authority attorney Michael Rosati is representing the individual police offices. This is because there may be a potential conflict of interest if the same attorney represents both the City and the individual officers. The Court granted a Motion for Summary Judgment and dismissed the case against the City of Troy and Chief Craft. The Motion for Summary Judgment as to the individual officers was denied in part, and therefore a jury trial will be scheduled. **The remaining parties are waiting for the jury trial date to be set by the Court.**
2. Catherina Castiglione v. City of Troy. This case was filed against the City of Troy by Ms. Castiglione. Castiglione failed to complete police academy training, which was a pre-requisite to an employment offer from the City. Ms. Castiglione is now arguing that the City's withdraw of the employment offer was in retaliation for her complaints against the police academy. She also argues that the withdrawn offer resulted from retaliation for her worker's compensation claim. She also claims entitlement to unpaid overtime compensation for her long commute to the police academy. The parties pursued discovery during this period. **A motion for summary disposition has been filed by Troy.**

F. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Robert & Sandra Wehbe v. City of Troy et. al.- This is a case filed by a minor who was injured when riding his skateboard into freshly poured asphalt. The complaint argues that the defective highway exception to governmental immunity applies, subjecting the City to liability. The contractor of the project, who is also a named defendant in this lawsuit, has been requested to indemnify and/or defend the City of Troy, based on the insurance policy which names the City as an additional insured. Our office will continue to participate in the defense of this case. Discovery is on-going in this matter. A Motion for Summary Disposition was filed on April 15, 2003. **The Motion for Summary Disposition will be heard on July 23, 2003.**
2. Nancy and James Berryman v. City of Troy- Mr. and Mrs. Berryman have filed this lawsuit against the City, attempting to recover damages from Mrs. Berryman's fall on July 9, 2002. The complaint argues that the veil of governmental immunity is pierced under the defective highway exception to governmental immunity, since Mrs. Berryman fell on a sidewalk that was maintained by the City. The City is currently gathering information concerning these allegations. **Discovery is on going.**
3. Leonardo and Mark Quicho v. City of Troy and Troy Police Dept.- The Quichos, (father and son) have filed this action, seeking a return of merchandise valued at approximately \$20,000 that was fraudulently purchased by the son. On 56 separate occasions, Mark Quicho made purchases with the credit card and/or checks from one of his customers, and he is now serving time in jail for this crime. The father also asserts that some of the confiscated property (valued at approximately \$1,200) was not part of the fraudulently purchased merchandise, and should not have been taken by the Troy Police Department. **The City filed a Motion for Summary Disposition, which has not yet been scheduled by the Court.**

4. **Kunjamma Antony v. City of Troy-** The City was recently served with this lawsuit. Ms. Antony asserts that she was injured when she tripped on a defective sidewalk at the Troy Aquatic Center on July 5, 2001. She fractured her elbow, and was required to undergo surgery. She has asked for damages in excess of \$25,000. The City will be filing an answer to this complaint in the immediate future.

G. MISCELLANEOUS CASES

1. **The Bell Company v. the City of Troy-** This is currently before the American Arbitration Association. In this case, Bell challenges that they are entitled to approximately \$450,000 in damages that were incurred by delays on the renovation of the 52-4 judicial district court. This case is currently in the discovery phase. The City has requested indemnification and/or legal defense from the architect, Tom Strat and Associates. The request for indemnification and assumption of the legal defense of the City was granted by Strat's insurance company. Attorney Scott Sirich of Plunkett and Cooney has intervened in the case on behalf of Troy, and has completed the transition from previously retained attorney Steven Potter. Our office will continue to participate in the defense of this case. Discovery is on going. **The parties have reached a settlement in this arbitration proceeding. After payment and the execution of releases, the arbitration file will be closed.**
2. **Lawrence M. Clarke v. City of Troy-** This case is currently pending in the American Arbitration Association. Clarke alleges that he was not paid approximately \$500,000. Most of this sum is attributed to requested change orders, which were denied by the City, based on the fact that some of the work was included in the original contract. An extensive arbitration proceeding was held on one of the two contracts in dispute. The parties were able to reach a settlement on the second contract. The arbitrators are expected to issue a decision on the first contract some time in April. **The arbitrators issued a decision, requiring the City to pay \$72,052.00. The file has now been closed.**
3. **Durant Development Corporation v. City of Troy et. al.-** This is a complaint to vacate a portion of a recorded plat- specifically the wetland and floodplain determinations for Outlot A of the proposed Shady Creek Estates Subdivision. The removal of these designations is consistent with the development plans that have already been approved by the City of Troy and also Oakland County. However, in order to obtain the requested relief, the developer, Durant Development Corporation, was required to file a lawsuit against the City of Troy, all utility companies, all neighbors within 300 feet of the proposed development (Shady Creek Estates Subdivision), and designated county and state representatives. Previously, Durant Development filed a lawsuit requesting vacation of the drainage easement, which has already been finalized. Similarly, a judgment vacating the wetland and floodplain determinations for Outlot

A has already been entered in this case, which preserves the rights of the City to approve the final plat.

4. **Kaftan Enterprises, Inc. v. City of Troy-** In connection with the Hidden Meadows residential development, the City required cash deposits and escrows from the developer, Kaftan Enterprises. Although certificates of occupancy have been issued for the homes, the developer has not yet finalized the project. As a result, the City of Troy is still holding money for this development. The developer has filed this lawsuit, demanding a return of the money being held by the City. The parties are continuing to discuss possible resolutions of this matter.
5. **Barton Malow Co. v. K-Mart, City of Troy, et. al.-** Barton Malow Co., a contractor for the K-Mart data center, has filed this lawsuit, seeking to foreclose on its construction lien. The data center was completed some time ago, but the K-Mart bankruptcy delayed any action on the construction lien. The City is a named party, due to our easement interest in the property. The City will continue to monitor this lawsuit.

H. CRIMINAL CASE APPEALS

1. **Troy Police Officer Dungjen v. Duncan-** This is an appeal of an adverse decision of the Driver License Appeal Division (DLAD) of the Michigan Secretary of State. Officer Dungjen arrested Duncan for drunk driving, and Duncan refused to submit to a breathalyzer test. Although all suspected drunk drivers are required to submit to a test, as requested by the arresting officer, the DLAD officer refused to take any license sanctions against Duncan. This matter is pending before Judge Deborah Tyner, of the Oakland County Circuit Court. The City's brief was filed on July 15, 2002. **A decision from the Court is expected soon.**
2. **People v. Eric Fitzgerald Bloss-** On April 22, 2003, Mr. Bloss filed this appeal, challenging the determination of responsibility for a civil infraction action in the 52-4 judicial district court.

If you have any questions concerning these cases, please let us know.

DATE: June 16, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Announcement of Public Hearing
Parking Variance Request
5363 – 5409 Crooks Road

We have received an application from Scott Monchnik & Associates, the Architect for a proposed tenant at the existing retail center at 5363 – 5409 Crooks Road. The proposed tenant is the Noble Fish House Restaurant. The tenant is proposing to establish a new 45-seat restaurant in the shopping center. Considering this proposed use as well as the other existing uses in the center, a total of 207 parking spaces are required by Section 40.21.01 of the Troy Zoning Ordinance. The existing site only has 171 parking spaces available. The permit application for this tenant alteration has been denied. In response, the petitioners have filed an appeal of the parking requirement.

A Public Hearing has been scheduled for your meeting of July 21, 2003 in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED
JUN 13 2003
BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: 13 JUNE 03

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: SCOTT MONCHNIK & ASSOCIATES Phone: 298 539 3863
(FOR NOBLE FISH HOUSE)
Address: 5430 SUNNYCREST WEST BLOOMFIELD, MI 48323

Address of Property: 5365 CROOKS ROAD

Lot # _____ Subdivision: _____

Zoning District: B-2 Sidwell # 88-20-08-476-017

Owner of Property: ETKW EQUITIES Phone: 298 358 0800

Address: _____

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 5 JUNE 03

Has there been a previous appeal involving this property? _____ If Yes, state date _____ and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____

Parking Spaces Required: _____

Number of Stalls? ✓

Parking Spaces Provided: _____

Other Dimensions? _____

Variance Requested: _____

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

SEE ATTACHED SHEET

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)

COUNTY OF _____)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 13 JUNE 03

(Signature of Applicant)

Signed and Sworn to before me this 13 day of June 2003

Mary Laraine McInnis
Notary Public

My Commission Expires: May 30, 2007

Filing Fee \$200.00

Date Paid _____

13 JUNE 03

RECEIVED
JUN 13 2003
BUILDING DEPARTMENT

PARKING VARIANCE REQUEST
PER SECT. 40.21.31

WE ARE ADDING A NEW 45 SEAT
RESTAURANT TO AN EXISTING SHOPPING
CENTER

THIS HAS CAUSED A DEFICIENCY IN
THE REQUIRED PARKING.

PER CITY REVIEW THE SITE REQUIRES
207 PARKING SPACES AND THERE ARE
171 ON SITE.

SO WE ARE SHORT 36 SPACES.

WE ARE REQUESTING A PARKING VARIANCE
FOR 36 SPACES.

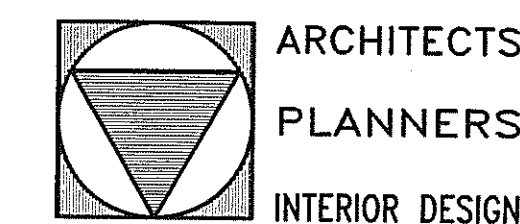
CALL IF YOU HAVE ANY ADDITIONAL
QUESTIONS.

SCOTT MONCHNIK

@ SCOTT MONCHNIK & ASSOCIATES

248 539 3863

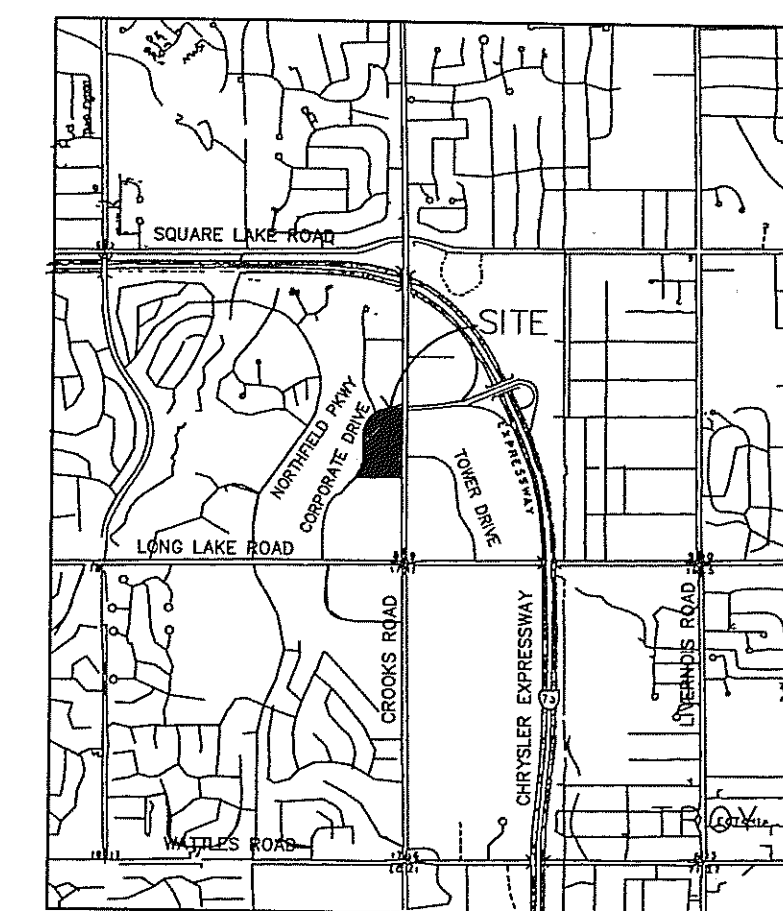
COPYRIGHT 2003
SCOTT MONCHNIK & ASSOCIATES, ARCHITECTS
NOTICE: THESE DRAWINGS AND THE DESIGN
ARE THE PROPERTY OF THE ARCHITECT AND
NO ALTERATIONS OR TRANSFERS OF WORK
ARE PERMITTED WITHOUT WRITTEN APPROVAL
IS GRANTED BY
SCOTT MONCHNIK & ASSOCIATES, ARCHITECTS.
VIOLATORS WILL BE PROSECUTED TO THE
FULLEST EXTENT OF THE LAW.



**SCOTT MONCHNIK
& ASSOCIATES**

5430 SUNNYCREST
WEST BLOOMFIELD, MI.
48323

TEL: 248-539-3863
FAX: 248-539-9814



Vicinity Map
NO SCALE

NOBLE FISH HOUSE
5365 CROOKS ROAD
@ NORTHFIELD PLAZA
TROY, MICHIGAN

ISSUED FOR:
12 JUNE 03
PARKING VARIANCE
REQUEST

RECEIVED
JUN 13 2003
BUILDING DEPARTMENT

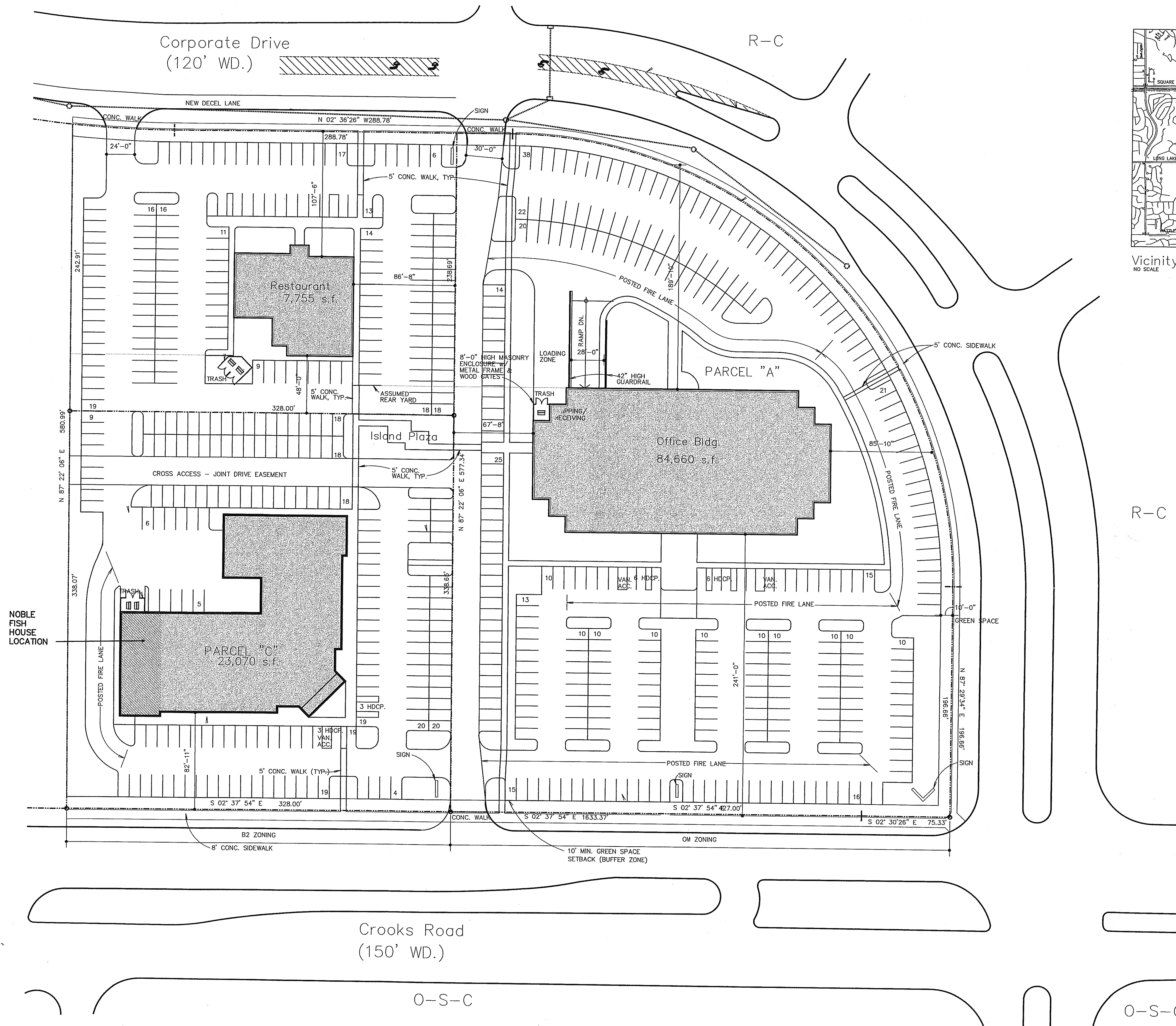
SHEET# ZBA-1

DATE: 12 JUNE 03

JOB# 03005-ZBA

SITE PLAN

1" = 40'-0"



DATE: June 27, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Announcement of Public Hearing
Commercial Vehicle Appeal
5029 Berwyck

On June 17, 2003, information was sent to Mr. Ronald Arkils, resident of 5029 Berwyck that identified restrictions related to commercial vehicles located on residential property. As part of that information, he was advised that the box truck parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Arkils has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of July 21, 2003.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments



RECEIVED

JUN 24 2003

BUILDING DEPARTMENT

**COMMERCIAL VEHICLE
APPEAL APPLICATION**

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Ronald C. ArkilsADDRESS: 5029 Berwyck DriveCITY: Troy MI. ZIP: 48065 PHONE: 248/828-3393ADDRESS OF SITE: SameNUMBER OF VEHICLES: OneVEHICLE IDENTIFICATION NUMBER(S)
1FV6HLBC9YHF17328LICENSE PLATE NUMBER(S) 0397ATDESCRIPTION OF VEHICLE(S) Box TruckREASON FOR APPEAL (see A - D below) A thru D

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..



(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 23rd day of June, 2003 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.



Notary Public, Oakland County, Michigan

My Commission Expires: Aug 17, 2006

K. E. BARCLAY
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Aug 17, 2006

RONALD C. ARKILS & SHIRLEY A. ARKILS

*5029 Berwyck Drive
Troy MI 48085-3207*

248/828-3393 • FAX 248/828-7858 • e-mail Arkilsron@aol.com

RECEIVED
JUN 24 2003
BUILDING DEPARTMENT

June 23, 2003

City Council
City of Troy
500 West Big Beaver
Troy, MI 48084

Subject: Request for Variance

Dear Council Members,

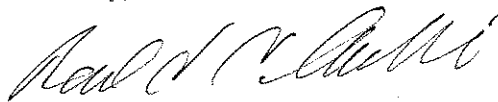
Our Son, Richard Arkils resides with us and makes his livelihood as a contracted owner-operator for FedEx Custom Critical Division.

The nature of the business is the delivery of specialized freight on last minute notice when "Just in Time" isn't good enough.

Frequently, a call is made for pick-up within one hour or less for delivery anywhere in the contiguous United States and Canada.. Following delivery, the driver is ordered to remain in the area of the delivery or relocate to another area awaiting another assignment This procedure finds the driver away from home possibly for weeks at a time. As a result, the truck in question is occasionally parked in our driveway awaiting dispatch.

Subject to the requirement for the truck to be available for a pick-up on the aforementioned very short notice, off-site storage of the truck would impose a hardship applicable to sections A thru D as noted on the attached Appeal Application.

Sincerely,



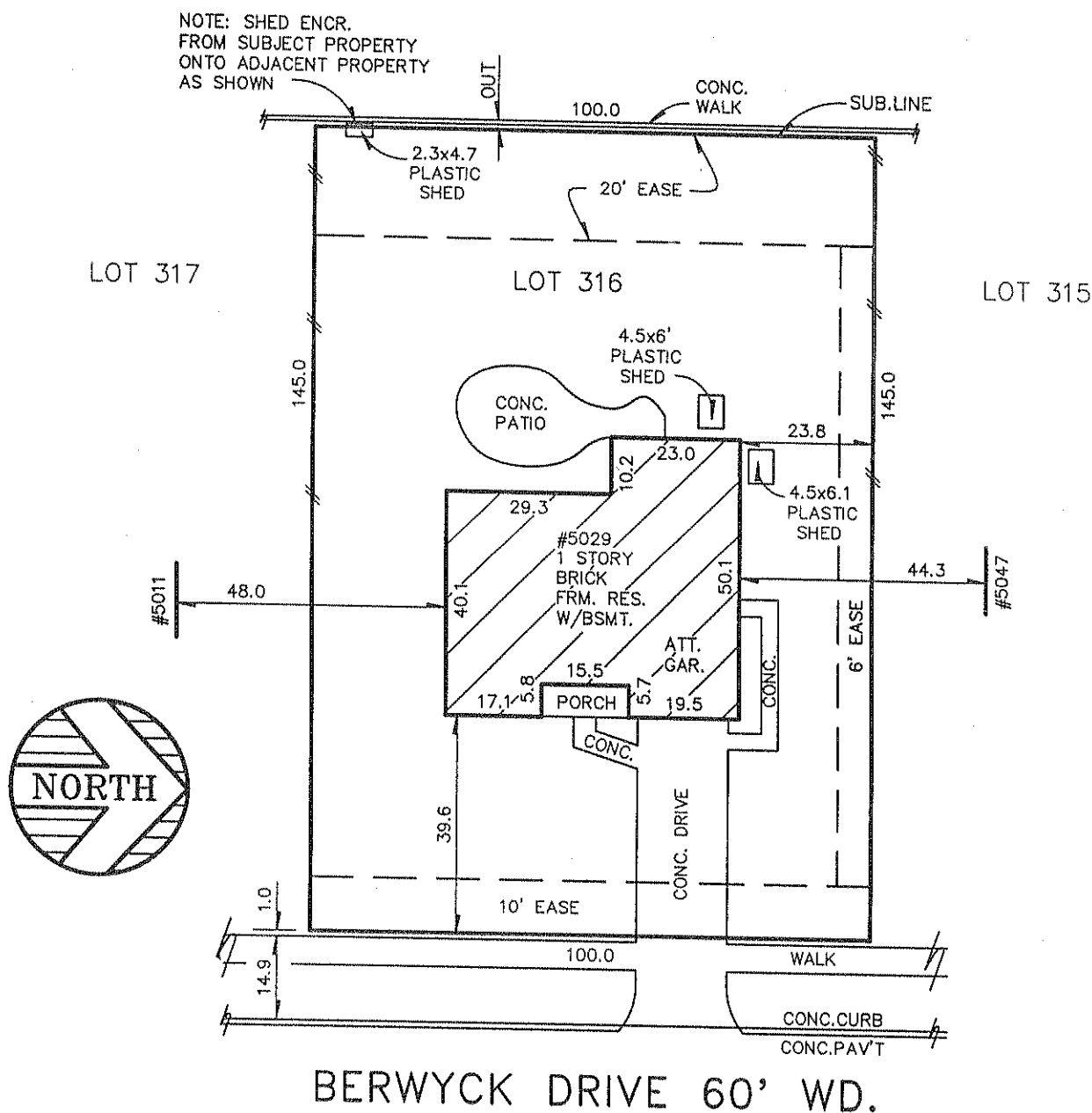
Ronald C. Arkils

Certified to: DANHAUSEN CUSTOM BUILDERS

Applicant: RONALD AND SHIRLEY ARKILS

Property Description:

Lot 316; SYLVAN GLEN SUBDIVISION NO. 2, of part of the W. 1/2 of Section 10, T.2 N., R.11 E., City of Troy, Oakland County, Michigan, as recorded in Liber 132 of Plats, Pages 12, 13 and 14 of Oakland County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

Shane P. Shell

JOB NO: 03-14245 SCALE: 1"=30'
DATE: 05-20-03 DR BY: LAO

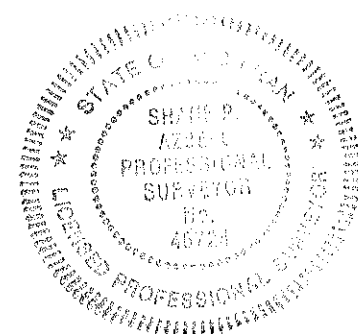
KEM-TEC
LAND SURVEYORS

22556 Gratiot Avenue
Eastpointe, MI 48021-2312
(586) 772-2222
FAX: (586) 772-4048



KEM-TEC WEST
LAND SURVEYORS

800 E. STADIUM
Ann Arbor, MI 48104-1412
(734) 994-0888 * (800) 433-6133
FAX: (734) 994-0667



RECEIVED

JUN 24 2003

BUILDING DEPARTMENT

City of Troy
Building and Inspection Division
Commercial Vehicle Violation Notice
500 West Big Beaver, Troy, MI 48084

June 17, 2003

Ronald & Shirley Arkils
5029 Berwyck
Troy, MI 48085

Subject: 5029 Berwyck - Commercial Vehicle Violation

Dear Mr. & Mrs. Arkils

As a result of a complaint, I inspected the site listed above and observed a Federal Express box truck parked at the above location. This is a violation Chapter 39, section 40.66.00 of the Troy City Code (Zoning Ordinance). The ordinance restricts the type of commercial vehicles parked on residential property. Specifically, one commercial pickup truck or passenger/cargo-style van is permitted.

The outdoor storage of the box truck does not comply with the ordinance. Therefore, to correct the violation, please remove the vehicle from the property or store it in an enclosed structure.

You also have the right to request a variance from City Council, if you wish to continue storing the vehicle on site. Council has the authority to grant variances, in certain circumstances, to store commercial vehicles on residential property. The process begins with the completion and submission of the enclosed application.

The deadline for removing the vehicle from the site, storing it in an enclosed structure, or submitting the appeal form is July 2, 2003.

Sincerely,



Kandy Griffith
Housing & Zoning Inspector



June 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
 Gary Shripka, Assistant City Manager/Services
 Doug Smith, Real Estate and Development Director
 Lori Bluhm, City Attorney
 Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (JULY 21, 2003) – AMENDMENT OF CONSENT JUDGMENT / SITE PLAN APPROVAL (SP #891) – TCF Bank Building, south side of Big Beaver Road, east of John R and west of Dequindre, section 25 – R-1E AND B-3 (Consent Judgment).

RECOMMENDATION

The site plan has been designed so that it meets all requirements of the O-1 Office Building District except for setback requirements. The site plan meets the front yard setback requirement of the R-C Research Center District (50 feet), which is 20 feet greater than the O-1 requirement (30 feet). This assures that the bank and office will align with the buildings to the east of the proposed TCF development.

The proposed office and bank use are compatible with the commercial bank and restaurant uses to the west and the office/research use to the east. City Management recommends that the Consent Judgment be amended to accommodate the proposed development as proposed on the site plan. Furthermore, City Management recommends that the Consent Judgment be modified so that the applicant must meet all requirements of the O-1 Office Building Zoning District, except that the front yard setback shall be at least 50 feet. In addition, the B-3 district land area needs to be included in the amended Consent Judgment.

The Planning Commission held a Public Hearing on the site plan application, which is controlled by Consent Judgment. The Planning Commission recommended approval of the site plan, subject to the following conditions:

1. The additional land currently zoned B-3 located to the west of the western boundary of the Consent Judgment property and shown on the site plan, be included in the amended Consent Judgment.
2. The existing 8' sidewalk along Big Beaver remains usable and in existence at the end of all construction.

3. The two sidewalks as proposed on the site plan from the property out to the 8' sidewalk be constructed.
4. The cross access agreement to the west be provided but not opened and negotiations commence with the property owner located to the east to open the cross access agreement to this property and to the property to the east.
5. The original site plan for 2170 Big Beaver be included in the site plan.

GENERAL INFORMATION

Name of Owner / Applicant:

The applicant is Robert Griffore of TCF Bank. The owner is TREECO, LLC.

Location of Subject Property:

The property is located on the south side of Big Beaver Road, east of John R and west of Dequindre, in section 25.

Size of Subject Parcel:

The parcel is approximately 4.1 acres in area.

Proposed Use of Subject Parcel:

The applicant is proposing a 10,000 square foot office building and a 6,000 square foot bank.

Parcel History:

The use of the property is controlled by a Consent Judgment, as ordered by the Court of Oakland County on January 7, 1992. The Consent Judgment permits the property to be used for any use permitted within the R-C Research Center Zoning District. The applicant is proposing a professional office building and a bank, neither of which is a permitted use in the R-C district. The Consent Judgment needs to be amended to permit these uses. However, the B-3 land area is not controlled by the Consent Judgment.

Current Use of Subject Property:

The property is presently vacant.

Current Zoning Classification:

The property is zoned R-1E and B-3. The portion zoned B-3 is proposed to be used for parking. The Consent Judgment permits the portion zoned R-1E to be developed under the R-C Zoning District provisions.

Current Use of Adjacent Parcels:

North: Office, vacant and single family residential.

South: Light industrial.

East: Office / Research.

West: Republic Bank and White Castle.

Zoning Classification of Adjacent Parcels:

North: R-1E and Consent Judgment.

South: M-1 Light Industrial.

East: Consent Judgment.

West: B-3 General Business.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Office / Research.

ANALYSIS

Compliance with area and bulk requirements of O-1 and R-C districts and Consent Judgment:

Lot Area: N/A in O-1 district; 43,560 square feet in R-C district.

Lot Width: N/A in O-1 and R-C districts and Consent Judgment.

Height: For the O-1 district, it is 3 stories or 36 feet;
For the R-C district, it is 3 stories or 40 feet.

Setbacks: Front: 30 feet in O-1; 50 feet in R-C.
Side (least): 20 feet in both districts.
Side (total): 40 feet in both districts.
Rear: 20 feet in both districts.

The applicant meets the area and bulk requirements of the Consent Judgment and the proposed Amended Consent Judgment.

Off-Street Parking and Loading Requirements:

The applicant is required to provide 94 spaces. The applicant is proposing 111 off-street parking spaces. The applicant meets this requirement.

The applicant has provided 5 stacking spaces per window, as required.

Vehicular and Non-motorized Access:

Vehicular access is provided by a two-way entry drive from Big Beaver. A cross-access easement and vehicular drive is proposed to connect with White Castle to and the Republic Bank to the east. The applicant will be required to provide documentation for the cross access easement to the Republic Bank but the connection will not be made until needed.

Non-motorized access has been provided by an 8-foot wide sidewalk on Big Beaver. Two 5-foot wide sidewalks will connect this sidewalk to the buildings to the south.

Storm Water Detention:

The applicant is proposing a storm water detention basin in the southeastern corner of the property, with 1:6 side slope and will remain private.

Natural Features and Floodplains:

The Natural Features Map indicates there are no natural features located on the property.

cc: Applicant
File/ SP 891

8. PUBLIC HEARING – SITE PLAN REVIEW (SP 891) – Proposed Bank and Office Building, TCF Bank, South side of Big Beaver, East of John R, Section 25 – C-J

Mr. Savidant presented a summary of the Planning Department report for the proposed TCF Bank and Office Building. Mr. Savidant reported that it is the recommendation of the Planning Department to amend the Consent Judgment to accommodate the proposed development, and further to approve the site plan as submitted subject to the provision of a cross access documentation with Republic Bank to the west, and a sidewalk connection to Big Beaver Road immediately north of the atrium.

A brief discussion followed with respect to the cross access to the west and east, the proposed two sidewalks, and the existing 8' sidewalk along Big Beaver.

Mr. Savidant stated that cross access to the east was discussed and it was determined not to be a necessity at the current time, nor is it a condition of the Consent Judgment. Mr. Savidant confirmed that the condition of the existing 8' sidewalk along Big Beaver would be an Engineering enforcement matter. He noted that the Planning Commission could stipulate these specific items as conditions to the site plan approval, in addition to the inclusion of the two sidewalks as proposed on the plan, if they so choose.

Michael Rein of Bowers & Rein Associates, 2400 S. Huron Parkway, Ann Arbor, architect for the proposed site plan, was present to represent the petitioner. Mr. Rein summarized briefly the original Consent Judgment. He circulated a rendering of the site and gave a brief description.

Discussion followed with respect to the L-shaped portion of the site plan that is proposed for parking with cross access and its relationship with the Consent Judgment. It was determined that it may benefit the petitioner to include this portion of the property in the Consent Judgment.

Ms. Lancaster suggested that the matter most likely could be handled administratively, and if necessary, a revision to the Planning Commission's recommendation to City Council could be provided by staff at the appropriate time.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Waller

Seconded by Vleck

RESOLVED, that Preliminary Site Plan Approval, pursuant to an existing and proposed consent judgment, for a proposed office building and bank, located on the south side of Big Beaver Road, east of John R Road within section 25, within the R-C zoning districts, is hereby recommended for approval to City Council for reconsideration of the consent judgment, subject to the following conditions:

1. The additional land currently zoned B-3 located to the west of the western boundary of the Consent Judgment property and shown on the site plan, be included in the amended Consent Judgment.
2. The existing 8' sidewalk along Big Beaver remains usable and in existence at the end of all construction.
3. The two sidewalks as proposed on the site plan from the property out to the 8' sidewalk be constructed.
4. The cross access agreement to the west be provided but not opened and negotiations commence with the property owner located to the east to open the cross access agreement to this property and to the property to the east.
5. The original site plan for 2170 Big Beaver be included in the site plan.

Yeas

All present (7)

Absent

Littman

Wright

MOTION CARRIED

CITY OF TROY



C.F

R1C

24
R1D

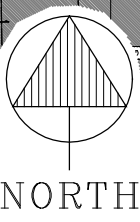
R1D

R1E

R.E.C

R1E

SITE PLAN REVIEW
Prop. Bank Branch & Office Bldg.



25
R1E

SITE PLAN REVIEW
PROP. TCF BANK & OFFICE BLDG.
S SIDE OF BIG BEAVER, E OF JOHN R
SEC. 25 C-J & B-3 (SP-891)

CEDAR KNOLL

E BIG BEAVER

E BIG BEAVER

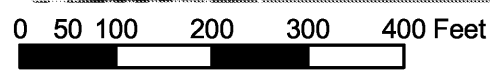
SITE PLAN REVIEW
PROP. BANK BRANCH & OFFICE BLDG.

LINCOLN

JOHN R

JACKSON

ROUNDTREE



TROY

SCHOOL DISTRICT

Janet H. Jopke, Ed.D., Superintendent of Schools

4400 Livernois Road
Troy, Michigan 48098-4799
248.823.4000
248.823.4013 Fax

Michael M. Adamczyk, Assistant Superintendent Business Services

June 16, 2003

RECEIVED

JUN 23 2003

CITY OF TROY
CITY MANAGER'S OFFICE

Tonni Bartholomew
City Clerk
City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Tonni:

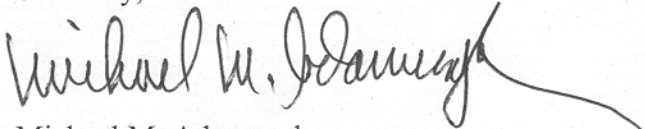
We would like to take this opportunity to thank you and your entire staff for all of your assistance with the Annual Election for the Troy School District Board of Education on June 9, 2003.

Specifically, we appreciate you and Barbara Holmes attending the election meeting for our inspectors. Having you both present put many workers' minds at ease and gave them the opportunity to address any concerns they may have had.

Also, we would like to thank Aileen Bittner for her willingness to sacrifice four hours of her own time to work on Saturday, June 7th. Last but not least, many thanks goes to Dave LaPine and his crew. Without their assistance working "behind the scenes" with the voting booths and machines, this election would not have been the success that it was.

We are pleased that the positive relationship between the Troy School District and the City of Troy remains constant in these ever-changing times.

Sincerely,



Michael M. Adamczyk
Assistant Superintendent
Business Services

cc: Janet H. Jopke, Ed.D.

4437 Cherrywood Drive
Troy, MI 48098
19 June, 2003

G-05b

Ms Carol Anderson
Director Parks & Recreation
3179 Livernois
Troy, MI 48083

Ms Anderson,

On 11 June, I called Ron Hind and expressed concern about a diseased City ash tree. Bright and early this morning, a Troy City crew cut the tree down (except for the trunk to be removed later) in a very efficient, controlled manner and cleaned the area of debris. My wife and I watched from a distance and were very impressed. Mr Hind and the field crew are to be commended for their quick and professional response. Thanks.

Sincerely,

Dain & Joyce McKown

Pennington Homes, Inc.

Licensed Builder

G-05c

June 18, 2003

RECEIVED

To: City of Troy Mayor, City Council, and City Manager

JUN 26 2003

From: Cindy Pennington, former Troy Planning Commissioner

CITY OF TROY
CITY MANAGER'S OFFICE

Re: Letter of Appreciation and Acknowledgement

Dear Gentlemen and Ladies,

It has been a pleasure serving on the Troy Planning Commission for the last 2 years. The eight men I have worked with on the Planning Commission are a group of dedicated, concerned, caring citizens of Troy with a mission to serve our fine city with dignity and respect. It has been an absolute privilege working and learning with them. I feel very confident that the men of this commission will preserve the City Master Plan, but at the same time, conform to the ever-changing future to benefit our city.

I would also like to acknowledge the excellent staff you have on the Planning Department and in your City Attorney and Assistant City Attorney. These employees genuinely care about the people of our city, and strive to keep it a wonderful place to live.

Thank you.

Cindy Pennington
Cindy Pennington

I would like to express my thanks
to Wendell Moore & the Troy Police Department

G-05d

for allowing me to
participate in their internship
program last summer. I really
enjoyed the short amount of time I
spent with your officers... *especially
Ofc. Haddad, Fitzpatrick, Morgan, Garcher,
Morse, & many others! Thank you
again, Wendell, for arranging my
'daily activities' and for your help

with everything. I landed my first
job with CMU police and I'm starting
on the 30th of June! It's the prime
location where I wanted to work. ☺ I
will remember the suggestions & tips
that were given to me last summer.
Thank you again for the great
experience!!

Sincerely,

Bonnie Carpus

RECEIVED
Chief of Police

6/24/2003 CTC

KEITH A. PRETTY
PRESIDENT

3838 LIVERNOIS ROAD
P.O. BOX 7006
TROY, MICHIGAN 4800

PHONE (248) 689-828
FAX (248) 689-833

June 23, 2003

Charles T. Craft
Police Chief
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Chief Craft:

Please accept my sincere appreciation for the excellent work by your officers in controlling traffic flow after Saturday's commencement ceremonies. Their presence was extremely effective in assisting our graduates and guests exit the Zion Christian Church parking lot quickly and safely. Sgt. David Livingston was extremely proactive in preventing any problems. He made several suggestions – including creating signs and announcing exit procedures to our guests – that helped make the flow of traffic out of the parking lot much smoother. We will incorporate these changes into future ceremonies. Please convey my thanks to Sgt. Livingston and the officers who were assigned to the traffic detail.

Again, thank you for your consideration. Your recurring support of this event is deeply appreciated. If Walsh College can be of assistance to you in any way, please don't hesitate to contact me.

Sincerely,



Keith A. Pretty, J.D.
President

/ree





June 30, 2003

John Lamerato
Assistant City Manager
Finance and Administration
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

Dear John:

Many thanks to you and your excellent staff for your generosity of spirit and willingness to go out of the way to help us gather video and photos of the retirement process of the City of Troy.

We enjoyed so much our time with you; we learned a marvelous amount about the extent to which you and all your staff manage the retirement process. Indeed, the employees of Troy are most fortunate to have such excellent management practices and personnel

We will be very proud to show the City of Troy as an example of sound retirement and pension fund management as one of our "case studies" in the upcoming educational resource for elected officials. It was a delight to work with you to accomplish this essential communication and education task.

Would you please convey our individual and collective thanks and sincere regards to John Szerlag, Cynthia Stewart, Tom Houghton, Bill Need, Carl Neall Schroeder, Linda Brooks, Susan Leirstein, Laura Fitzpatrick and Maria Basta-Farouk, Dana Calhoun, David Crewdson of the DPW Department. Their time and energy contributed so much to our production and were so highly appreciated:

Once again John, thank you for making our production work possible and immensely fruitful.

Sincerely,

John G. Fike
Enhancing Local Government
Project Director
and
President
Philanthropy Solutions LLC
7900 Breezewood Court
Ypsilanti, MI 48197-6208

July 2003

July 2003							August 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
							31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	July 1	2	3	4	5
	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level)		Independence Day-City Offices Closed	
					6
7	8	9	10	11	12
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chambers)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library)		13
14	15	16	17	18	19
7:30pm Liquor Committee (C)	7:30pm Board of Zoning Appeals	7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level)	3:00pm Brownfield Redevelopment Authority 7:00pm CATV		20
21	22	23	24	25	26
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Troy Youth Council (Lower Level)			27
28	29	30	31		

August 2003

August 2003						
S	M	T	W	T	F	S
3	4	5	6	7	1	2
10	11	12	13	14	8	9
17	18	19	20	21	15	16
24	25	26	27	28	22	23
31					29	30

September 2003						
S	M	T	W	T	F	S
7	1	2	3	4	5	6
14	8	9	10	11	12	13
21	15	16	17	18	19	20
28	22	23	24	25	26	27

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				August 1	2
					3
4	5	6	7	8	9
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities			10
11	12	13	14	15	16
7:30pm Liquor Committee (C)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chambers)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library)	8:00am CC-Study Session (Council Board Room)	17
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chamber)	7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level)			24
25	26	27	28	29	30
	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Troy Youth Council (Lower Level)			31

September 2003

September 2003						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2003						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
September 1	2	3	4	5	6
	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities	10:00am Sr Citizen Advisory Committee (Community Center)		
8	9	10	11	12	13
7:30pm City Council-Regular (Council Chambers) 7:30pm Liquor Committee (C)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chamber)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)	5:30pm Troy Daze Opening Ceremony (Boulan Park)	
15	16	17	18	19	20
	7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commission (City Hall)	7:30am Downtown Development Authority (Lower Level) 7:00pm Troy Youth Council (Lower Level) 7:30pm Traffic Committee (Lower Level)			
22	23	24	25	26	27
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)				
29	30				



TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY *LB*
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY *AM*
DATE: June 17, 2003
SUBJECT: SWIDER v FLAGSTAR BANK AND CITY OF TROY

The Swider case was filed by the owner of Meadowbrook Plaza which is located at the corner of Long Lake Road and Rochester Road. The Plaintiff sought injunctive relief to prevent the City from issuing permits for the renovation of the bank building located at that corner. The court denied the Plaintiff's initial request for preliminary injunctive relief and building permits were issued. As the case proceeded through discovery, it was clear the only remaining issue to be litigated was whether the bank had the right to use Meadowbrook Plaza's parking lot and driveways. Since that issue did not affect the City, we requested the other parties dismiss the City from the case. The other parties stipulated to the relief requested, and an order dismissing the City from the case was entered on June 5, 2003. A copy of the order is attached.

If you should have any questions regarding this matter, please contact this office.

ATM/ps

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

IRVIN F. SWIDER, as Trustee Under
Declaration of Trust by Irvin F. Swider
Dated January 21, 1972, d/b/a
MEADOWBROOK PLAZA,

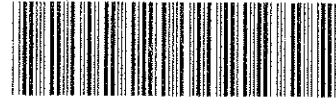
Plaintiffs.

v

FLAGSTAR BANK, FSB, a/k/a FLAGSTAR
BANCORP, INC., a Michigan corporation
and CITY OF TROY, a Municipal corporation

Defendants.

02-045225-CZ



JUDGE STEVEN N. ANDREWS
SWIDER, IRVIN, V FLAGSTAR BANK

Eric A. Bean (P48676)
Marvin S. Shwedel (P20416)
Jonathan B. Frank (P42656)
Jackier, Gould, Bean, Upfal & Eizelman
Attorneys for Plaintiff
Second Floor, 121 W. Long Lake Road
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Keefe A. Brooks (P31680)
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Butzel Long PC
Attorneys for Defendant, Flagstar Bank
100 Bloomfield Hills Parkway, Ste 200
Bloomfield Hills, MI 48304
(248) 258-1616

CITY OF TROY
CITY ATTORNEY'S OFFICE
By: Lori Grigg Bluhm (P46908)
Allan T. Motzny (P37580)
Attorneys for Defendant, City of Troy
500 W Big Beaver Road
Troy, MI 48084
(248) 524-3320

LeRoy L. Asher, Jr. (P37972)
Terence A. Thomas (P49311)
Miller Canfield Paddock and Stone, PLC
Co-Counsel for Defendant, Flagstar
Bank
150 W. Jefferson Ave., Ste. 2500
Detroit, MI 48226
(313) 496-8441

ORDER TO DISMISS DEFENDANT CITY OF TROY

At a session of said Court held
in the Courthouse in the
City of Pontiac, Oakland County
Michigan, on: JUN 05 2003

PRESENT: HONORABLE STEVEN N. ANDREWS, CIRCUIT JUDGE

In this cause, the parties have stipulated to an order to dismiss Defendant City of Troy from the above-entitled cause without prejudice and without costs.

Therefore,

IT IS ORDERED this case is dismissed as to Defendant City of Troy without prejudice and without costs.

STEVEN N. ANDREWS
Circuit Judge

I stipulate to entry of the above order:

Eric A. Bean permission by fax 5/27/03
Eric A. Bean (P48676)
Attorney for Plaintiff

A TRUE COPY
G. WILLIAM CADDELL
County Clerk - Register of Deeds
By: _____
Deputy

Keefe A. Brooks permission by fax 5/27/03
Keefe A. Brooks (P31680)
Co-Counsel for Defendant Flagstar Bank

LeRoy L. Asher Jr. permission by telephone on 6/2/03
LeRoy L. Asher, Jr. (P37972)
Co-Counsel for Defendant Flagstar Bank

Allan T. Motzny
Allan T. Motzny (P37580)
Attorney for Defendant City of Troy



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: June 25, 2003
SUBJECT: EDS v. City of Troy et. al

EDS (Electronic Data Systems) unsuccessfully filed several appeals of their 1999 tax assessments with the tax tribunal. These appeals were filed against the City of Troy, City of Auburn Hills, Township of Flint, Township of Buena Vista, City of Swartz Creek and the Township of Grand Blanc. These appeals were unsuccessful, in that they were not timely filed. Under state law, in order for a tax assessment appeal to be timely filed, it requires either certified mail or filing at the Tax Tribunal on or before June 30. EDS mailed their petitions by first class mail, and they arrived at the Tax Tribunal on July 2, 1999. The Tax Tribunal dismissed the petitions, since they did not have jurisdiction to entertain these untimely appeals.

EDS then filed appeals of these dismissals in the Michigan Court of Appeals. The Court of Appeals affirmed the Tax Tribunal. Subsequently, EDS filed an application for leave to appeal with the Michigan Supreme Court. The remaining municipal defendants, Troy, Flint Township, Buena Vista, and Auburn Hills filed a joint brief, opposing the application. The Michigan Supreme Court agreed with our position, and denied the requested relief. Enclosed please find the order of the Michigan Supreme Court, denying the application for leave to appeal filed by EDS.

If you have any questions concerning the above, please let me know.

Order

Entered: May 30, 2003

TROY LAW DEPARTMENT

JUN 2 1 21 PM '03

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

122986-122995

ELECTRONIC DATA SYSTEMS
CORPORATION,
Petitioner-Appellant,

v

TOWNSHIP OF FLINT,
Respondent-Appellee.

SC: 122986, 122991
COA: 225610, 225686
MTT: 00-272694, 00-269469

ELECTRONIC DATA SYSTEMS
CORPORATION,
Petitioner-Appellant,

v

CITY OF TROY,
Respondent-Appellee.

SC: 122987, 122988, 122989
COA: 225681, 225682, 225683.
MTT: 00-269471, 00-272695,
00-272696

ELECTRONIC DATA SYSTEMS
CORPORATION,
Petitioner-Appellant,

v

CITY OF BUENA VISTA,
Respondent-Appellee.

SC:122990
COA: 225684
MTT: 00-269978

ELECTRONIC DATA SYSTEMS
CORPORATION,
Petitioner-Appellant,

v

CITY OF AUBURN HILLS,
Respondent-Appellee.

SC: 122992, 122993, 122994,
122995

COA: 225687, 225688, 225689,
225690

MTT: 00-269969, 00-269964,
00-269967, 00-269968

On order of the Court, the applications for leave to appeal the October 25, 2002, judgment of the Court of Appeals are considered, and they are DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

10527

2



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 30, 2003

Corbin R. Davis

Clerk

June 27, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Skatepark Opening

Skatepark Grand Opening

The skatepark is open! While skaters have been skating, a grand opening event has been scheduled for 6 p.m. Monday July 21, 2003 at the skatepark. Please join us for the ribbon cutting and the official opening of the park.




RECEIVED

JUN 30 2003

CITY OF TROY
CITY MANAGER'S OFFICE

June 30, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager 
Gary A. Shripka, Assistant City Manager/Services 
Carol K. Anderson, Parks and Recreation Director 

Subject: Park Board Action- Approval of Rotary Club Park Concept

At the June 26, 2003 special meeting of the Parks and Recreation Board, Sue Cicerone, Troy Rotary Club, presented a proposal for the renaming and design of Sylvan Glen Lake Park. The proposal includes the upgrades and redesign of park elements to meet the needs of the physically challenged. The Rotary Club will raise funds for part of the redevelopment of the park and the park will be renamed Rotary Park.

Discussion followed and the following action was taken:

A motion by Doug Bordas, supported by Janice Zikakis, to approve the concept of the Rotary Club proposal, subject to adjustments to the park naming policy criteria that will be established in the near future.

Ayes: All
MOTION CARRIED

Nays: None

Note to Mayor and Council:

Criteria should be established by the Parks Board in time for the July 21, 2003 Council meeting, which is when the Rotary Club is scheduled to make a presentation.



June 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager's Office

SUBJECT: Request to Consider Scheduling City Council Meetings on Fourth Mondays

Although our major capital initiatives are behind us for the next decade or so, I don't believe this is going to result in shorter City Council meetings. Thus in the interest of more efficient and effective meetings which also could assure crisp public participation, please consider scheduling the fourth Monday from September through May for regular City Council meetings. Additionally, the objective of these meetings would be primarily to handle public hearings and other issues that normally involve a high degree of public participation.

There are several benefits of structuring our meetings in this fashion:

- 1) The first and third Mondays will be used primarily for *Consent*, and *Regular Business* items. And since our average time spent for *Consent* and *Regular Business* items combined is less than one hour, this will leave us plenty of time while we're all still fresh to discuss community policy/vision issues which take the form of green policy memos, proposed ordinances, study session topics.
- 2) Although we'll have a slate of public hearings on fourth Mondays, perhaps as many as six or seven on average, when we're done with the public hearings, we're done. And it'll be my job as manager not to clutter that agenda with other *Consent*, *Regular Business* items, or even *Reports/Communications* unless same are absolutely critical to the ongoing operations of the City of Troy. Of course, at times there are some *Regular Business* items, such as site plan approvals, that may be placed on the fourth Monday calendar because there may be a high degree of public participation. In any event, limiting fourth Mondays to these types of items will allow Council more time to study the issues without having to worry about 50 or 60 other items on the same agenda. So too, many staff members attending the first and third Monday meetings would not be required to attend the fourth Monday meeting as only a handful of staffers are normally involved in topics that generate citizen participation.

Conversely, staffers attending the fourth Mondays may not be required to attend the first and third Mondays if they have nothing on the *Consent* or *Regular Business* agenda.

- 3) Individual or small numbers of residents/property owners currently waiting for hours to speak on a *Consent* or *Regular Business* item would no longer have to do so.

This request should be taken in the context of a process in an evolutionary state. It could be modified at any time including reverting to our existing practice of having Council meetings on the first and third Mondays and scheduling study sessions when we can.

Please bring this matter up for a brief discussion if you think it has any merit.

As always, I'll be happy to respond to any comments you have.

JS/mr\AGENDA ITEMS\07.07.03 – Request for 4th Monday Council Meetings

- c: T. Bartholomew, City Clerk
L. Grigg Bluhm, City Attorney
C. Craft, Police Chief
J. Lamerato, Assistant City Manager/Finance & Administration
W. Nelson, Fire Chief
G. Shripka, Assistant City Manager/Services

July 1, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Report/Communication - Junior Golf Rates

Golf fees for Sylvan Glen were set in 2001 for the three-year period 2001-2003. In March 2003, the rates were adjusted for the 2003 season to include a reduced rate for fall/winter play. Recently, inquiries have been made regarding the rates for junior players.

Residents under age 18 and over 62 are able to play at a discounted rate at certain times.

Senior players can play at a discounted rate Monday - Sunday until 1 p.m.
Junior players are able to play at a discounted rate anytime Monday - Friday.

The non-discounted resident rates are:

Weekdays	\$20	18 holes
	\$14	9 holes
Weekend	\$24	18 holes
	\$16	9 holes

The junior/senior discounted rates are:

Weekdays	\$15	18 holes
	\$10.50	9 holes
Weekend (sr. only)	\$18	18 holes
	\$12	9 holes

Over the years annual rates have been set and have included discounts for seniors and juniors during certain times, season passes, prepaid season tee times, etc. The rates have been set with consideration to expenses, the golf market, cost at similar courses etc.

The rates for the golf course are approved by the City Council. The resolution for the 2003 rates lists the player category (resident, non-resident, junior/senior, etc) and fee. Traditionally, junior/senior rates have been valid only at certain times. Management has tried to maximize play and limit revenue loss by permitting the discounted rates during non-prime times.

Since many senior and juniors are available to play anytime, senior and junior discounts have traditionally been given during non-prime times with the intended result being that there would be additional play during that time. The demand for play is greatest on Saturday and Sunday mornings.

Currently, a child playing with a parent on the weekend pays the full rate and seniors playing after 1 p.m. pay the full rate. Requests have been made to expand the times when the senior/junior rate is available so a discount rate is available in these kinds of situations.

Expanding the times the junior/senior rate is available will likely increase the play during those times and cause a few drawbacks. With the high demand of golf play on Saturday and Sunday mornings, no junior discount rate should be offered during these times (the senior rate is already valid).

Unless directed otherwise, the discounted rate will be offered for both seniors and juniors after 1 p.m. on Saturdays/Sundays beginning July 8, 2003. The discounted rates will be offered:

Juniors

Mon. - Fri. all day

Saturday/Sunday after 1 p.m.

Seniors

Mon. - Fri. until 1 p.m.

Saturday/Sunday all day

076 G-13
G-13
✓
2 July, 2003

John Szerlag
City Manager, Troy
500 West Big Beaver Road
Troy, MI 48064

Dear John,

As we discussed with you this morning, Ken and I are excited about the opportunity to locate Automation Alley Headquarters and the new Technology Center/Accelerator in the Certified Technology Park on Big Beaver in Troy. We appreciate the support you, the Troy City Council and the LDFA Steering Committee have provided, both conceptually and economically to make this vision a reality.

The bids have come in for our 10,000 – 12,000 sq. ft building and we are close to making a final decision and being able to move forward. The total project cost, including land purchase, is estimated at \$1,650,000 - \$2,350,000 for a fully finished and furnished turn-key building that will focus on showcasing technology commercialization and business creation. The proposals we have received incorporate the forward looking technology image we had been seeking, and we're anxious to begin.

We are requesting that Troy consider supporting the infrastructure portion of this project to enable us to move forward in a fiscally responsible manner given our current and expected resources. Those items consist of –

• Drainage and sewer work specific to the building	\$ 65,000
• Parking spaces (100-120), lot lighting, curbs, etc	<u>200,000</u>
TOTAL	\$265,000

Funding for this infrastructure development would be resourced from the Troy portion of the LDFA tax increment over a 5 year period at \$53,000/yr. Our intention is to make Troy the home of Automation Alley on a long-term basis, but we will work with you to forge an agreement which would allow the LDFA to recapture those funds should we find it necessary to move out of Troy in the nearer term. Realistically, our plan is not only to stay but to expand, and the building design has been done with an eye to enabling a 5,000-6,000 sq ft expansion to accommodate future growth.

Ken and I look forward to working with you as we kick off this project, and will be happy to address any questions or concerns you, the City Council or the LDFA members may have.

Sincerely,



Ken Rogers
Executive Director, Automation Alley



Thomas E. Anderson, PhD
Director, Technology Center

Cc: LDFA members



TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: July 2, 2003
SUBJECT: TROY RACQUET CLUB ESCROW DEPOSIT AGREEMENT

Donald A. Pierce, Jr., President of the Troy Racquet Club, submitted a request to Carol Anderson, Parks and Recreation Director, to establish an escrow account in lieu of carrying insurance on the air-supported structure at the Racquet Club. Section 21 of the Tennis Ground Lease between the City of Troy, as Lessor, and the Troy Racquet Club, as Lessee, allows the Lessee to place into an escrow account each year a sum equal to 110% of the cost of the air-supported structure insurance for the last year if unable to obtain fire and extended coverage insurance with respect to the air-supported structure at an annual cost no greater than 110% of the cost of the insurance for the prior year of coverage. Based on our review of the information provided by Mr. Pierce, we determined the Troy Racquet Club had the right to place funds into escrow in lieu of carrying the insurance on the air-supported structure. Accordingly, we prepared an Escrow Deposit Agreement by and between the City of Troy and the Troy Racquet Club that has been executed by Mr. Pierce, on behalf of the racquet club. A copy of the Escrow Deposit Agreement is attached.

Please contact our office if you should have any questions.

**ESCROW DEPOSIT AGREEMENT BY AND BETWEEN THE CITY OF TROY
AND TROY RACQUET CLUB**

The Troy Racquet Club shall deposit the sum of \$13,420 on or before July 1, 2003, with the City of Troy in accordance with and subject to the provision of Section 21 of the Tennis Ground Lease between the City of Troy, as Lessor, and the Troy Racquet Club, as Lessee, as amended, that Section being incorporated by reference and made a part hereof. Pursuant to said Section 21, the City of Troy and the Troy Racquet Club agree to the following terms:

1. This Escrow Deposit Agreement and its funding as required will release the Troy Racquet Club from its obligation to maintain insurance on the air-supported structures at the Troy Racquet Club (bubbles).

2. The obligation to continue insurance on the clubhouse building and to maintain liability insurance coverage as called for in the Lease will not change.

3. The funds held in escrow shall be released by the City of Troy upon presentation of evidence of loss, repair, or replacement of the air-supported structures upon written authorization to release the funds signed on behalf of both the City of Troy and the Troy Racquet Club.

4. The Troy Racquet Club shall deposit an additional sum of \$13,420 on or before the first day of July of each and every remaining year of the Ground Lease to satisfy its funding obligation.

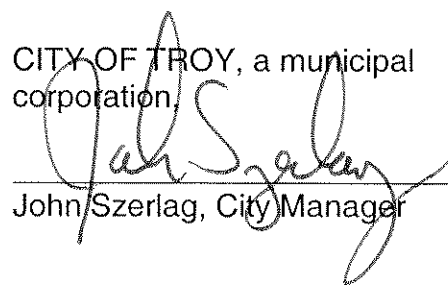
5. The escrow fund shall terminate and the funds shall be distributed to the Troy Racquet Club upon occurrence of any of the following:

A. The termination or expiration of the Tennis Ground Lease;

- B. The reinstitution of hazard insurance coverage on the air-supported structure which the escrow fund was designed to supplement; or
- C. Mutual agreement of the Troy Racquet Club and the City of Troy for any other reasons.

5. The escrow fund assets shall not be used nor claims made on it for any purpose other than to cover losses related to damage to the air-supported structure.

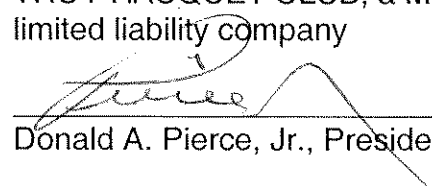
CITY OF TROY, a municipal corporation.



John Szerlag, City Manager

Date signed: _____

TROY RACQUET CLUB, a Michigan limited liability company



Donald A. Pierce, Jr., President

Date signed: 6/24/03



TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
 ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: July 2, 2003
SUBJECT: PROPOSED AMENDMENT TO CHAPTER 13 OF THE CITY
 CODE- HISTORIC PRESERVATION

At the request of the Historic District Commission (HDC) and City Council, our office reviewed Chapter 13 of the City Code, the Historic Preservation Ordinance, and made several proposed revisions. Our memorandum to the HDC provided extensive detail about the proposed revisions, and is therefore attached for your reference.

The HDC made some modifications to the proposed ordinance, and at its June 17, 2003 meeting, approved the ordinance revisions. A copy of the minutes of the HDC meeting is attached for your review. The HDC modifications are as follows:

- a. Section 3A – deletion of historical districts that no longer exist and inaccurate sidwell numbers.
- b. Section 3B – existing historical districts are exempt from the requirements of the new Section 12 for establishment, modification and elimination of historical districts, but are subject to all other provisions of the ordinance.
- c. Section 4B – a provision was added to allow for a maximum of nine members on the HDC, as allowed by state law.
- d. Section 5B – a provision was added to exempt the management of the Troy Museum and Historic Village from seeking HDC approval for regular maintenance as long as the City owns the museum.
- e. Section 12A – a provision was added that required one member of the HDC to serve on the Historic District Study Committee.

Based on comments received after the proposed amendment was circulated to City staff, the following additional modifications were made:

- a. Section 3C – allows owners of resources located in existing historic districts to seek modification or elimination of the historic district in accordance with Section 12.
- b. Section 4B – was revised again to limit the HDC to seven members.
- c. Section 7K – allows for an expedited approval process if requested to move, alter, repair, or demolish a resource to prevent imminent hazard to the safety of the public or a structure's occupants.

Page 2
July 2, 2003

Most of the changes proposed for Chapter 13 are necessary to be in compliance with state law (specifically the Local Historic District Act, MCL 399.201, *et seq.*). There are several definitional changes, a new procedure for appointing a study committee and for the establishment, modification, and/or elimination of historical districts, and a new appeal process that provides for appeals to the state historic preservation board.

Absent objection from City Council, this matter will be placed on a future agenda as an action item and all persons who own property within an existing historic district will be notified of the proposed amendment and the date of the meeting.

cc: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning
Mark Miller, Planning Director
Brian Stoutenburg, Library Director
Loraine Campbell, Museum Manager

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 13 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 13 – Historic Preservation of the Code of the City of Troy.

Section 2. Amendment

Chapter 13 – Historic Preservation is amended as follows:

1. PURPOSE

The purpose of this Chapter is to 1) safeguard the heritage of the City of Troy by preserving ~~districts~~ historic resources in the City which reflect elements of its cultural, social, economic, political and architectural history; (2) stabilize and improve property values; 3) foster civic beauty; 4) strengthen the local economy; 5) promote the use of historic ~~districts~~ resources for the education, pleasure and welfare of the citizens of the City.

~~(Rev. 10-9-92)~~

2. DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

A. ALTERATION: work that changes the detail of a resource but does not change its basic size or shape.

~~B. Commission: The term "Commission" shall refer to the Historic District Commission, unless otherwise specified.~~

B. CERTIFICATE OF APPROPRIATENESS (COA): written approval of a permit application to apply for a building permit if required, for work that is determined to be appropriate and that does not adversely affect a resource.

C. COMMISSION: the historic district commission which is responsible for implementing Public Act 169 of 1970 as amended and the city's historic preservation ordinance for the City of Troy.

D. COMMITTEE: a historic district study committee appointed by the city council.

E. DEMOLITION: razing a resource, whether entirely or in part, which may include, but is not limited to demolition by neglect.

- F. HISTORIC DISTRICT: In accordance with Act 169, Public Acts of 1970, the term "Historic District" shall mean an area or group of areas not necessarily having contiguous boundaries, created by the City for the purposes of this Chapter. This shall include any historical or cultural site or structure (including significant trees or other plant life located thereon) of particular historic or cultural significance to the City of Troy, the State of Michigan, or the U.S.A., where cultural, political, spiritual, economic or social history of the community, state or nation is reflected or exemplified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, or style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age.
- G. HISTORIC LANDMARK: any structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States. A landmark is a historic district as defined in this section which contains only one (1) resource.
- H. HISTORIC RESOURCE: a structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States.
- I. NOTICE TO PROCEED: authorization to perform work that does not qualify for a COA but may legally be accomplished following criteria set forth in this ordinance.
- J. OPEN SPACE: undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
- K. ORDINARY MAINTENANCE: keeping a resource unimpaired and in good condition through ongoing minor intervention to the exterior of a resource. Ordinary maintenance does not change the exterior appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- L. REPAIR: to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes an alteration for purposes of this act.
- M. RESOURCE: a building, structure, site, object, feature or open space located within a historic district, or described as a historic landmark.
- N. WORK: construction, addition, alteration, repair, moving, excavation or demolition.

(Rev. 10-9-72)

3. REGULATION OF ~~STRUCTURES~~ RESOURCES AND ESTABLISHED HISTORIC DISTRICTS

A. ~~No structure shall be constructed, altered, moved or demolished in a Historic District unless such action complies with the requirements set forth in this Chapter.~~ ~~There shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with this chapter.~~

The following Historic Districts are hereby established.

Troy Union Cemetery	02-301-009
6890 Norton	03-226-033
770 W. Square Lake	04-301-012
330 W. Square Lake	04-451-025
6091 Livernois	04-478-013
West Square Lake	04-478-016
6071 Livernois	04-478-017
6059 Livernois	04-478-018
6039 Livernois	04-478-019
6 W. Square Lake	04-478-020
90 West Square Lake	04-478-022
Former Stone School	06-101-001
Beach Road Cemetery	07-451-001
5875 Livernois	09-232-005
46 East Square Lake Road	10-101-002
54 East Square Lake Road	10-101-003
<u>Old Troy Church, formerly at</u> 90 East Square Lake Road	10-101-004
<u>Parsonage, formerly at</u> 110 East Square Lake Road	10-101-004
126 East Square Lake Road	10-101-005
138 East Square Lake Road	10-101-006
160 East Square Lake Road	10-101-043
101 East Square Lake Road	10-101-032
Sylvan Glen Clubhouse	10-200-001
5871 Hilmore	11-101-020
2356 East Long Lake	13-127-020
Hill House	13-303-014
4820 Livernois	15-102-010
Troy Presbyterian Church	15-351-002
Caswell House	16-478-009
Poppleton School	16-478-009
Old City Hall	16-478-017
2955 Quail Run	18-101-035
4800 Beach	18-200-003
Crooks Road Cemetery	20-266-022
3645 Crooks	20-226-038
839 W. Wattles	21-101-024
3864 Livernois	22-101-005
36551 Dequindre	25-230-030
1934 Livernois	27-351-001
Perrin Cemetery (Coolidge)	32-152-002

B. Except as provided in subsection C, all of the Historic Districts established as of July 21, 2003 shall be exempt from the requirements and provisions of Section 12 of this Chapter entitled "Establishment, Modification or Elimination of a Historic District". Such exempt Historic Districts shall not be within the purview of any Historic District Study Committee and shall remain under the sole jurisdiction of the Historic District Commission, except to the extent otherwise provided in Section 5 of this Chapter for the Historic Districts included in the Troy Museum and Historic Village.

C. A person or entity that owns a resource within an Historic District established as of July 21, 2003, may submit a request to the Commission to modify or eliminate such Historic District. In such cases, the Historic District may only be eliminated or modified in accordance with Section 12.

~~(Rev. 8-8-88)~~

4. HISTORIC DISTRICT COMMISSION

A. Creation of Commission: In order to execute the purposes of this section, there is hereby created a Commission to be called the Historic District Commission.

(Rev. 10-9-72)

B. Membership of Commission: The Historic District Commission shall consist of seven (7) members whose residence is located in the City of Troy. The Commission shall include at least two (2) persons chosen from a list submitted by the Troy Historical Society, one (1) person nominated by the Troy Historical Commission, and, if available, one (1) architect duly registered in the State of Michigan. They shall be appointed by the City Council for terms of office of three (3) years. All members shall hold office until their successors are appointed. Members of the Commission may be reappointed after their terms expire. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term. The members of the Commission shall serve without compensation.

~~(Rev. 2-16-87)~~

5. DUTIES AND POWERS OF THE COMMISSION

The Commission shall have all powers and duties authorized by Public Act 169 of 1970, as amended, MCL 399.201, et seq. including but not limited to the following:

A. The Commission shall ~~make a researched survey of each structure under this Chapter, using~~ have authority to conduct an ongoing survey to identify historically and architecturally significant, properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city. The Commission may use the Michigan Historical Site Survey form as a guide, and accepting the work of interested volunteers. Such Site Surveys should be kept as a part of the permanent records of the Commission, at a place designated by the Commission.

~~Using the list of structures prepared by the Historic Site Preservation Study Committee, and/or any other sites or structures brought to its attention, the Commission may recommend to the City Council of the City of Troy that certain sites or structures be added to or deleted from the Historic Districts covered by this Chapter. Prior to taking action to amend this Chapter by the addition of an Historic District, the City Council shall obtain a report and recommendation from the City Planning Commission as to the effect of establishing such a District. In their review of such proposals, the Planning Commission shall consider matters such as the relationship between the establishment of the proposed Historic District and the Master Plan Program, and the effects of the establishment of such a District on adjacent properties.~~

~~(Rev. 12-6-76)~~

- ~~B. The structures and sites to be considered are limited to those within the Historic Districts described in Section 3.~~

~~(Rev. 12-6-76)~~

- ~~C.B.~~ It shall be the duty of this Commission to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource ~~plans for the construction, alteration, moving or demolition of structures in a Historic District. Property owned by the City of Troy shall be administered by the City Council through the City Manager in accordance with the Charter.~~ in the City except historic resources expressly exempted from such review by this Chapter. The historic resources comprising the Troy Museum and Historic Village shall be exempt from such review by the Commission so long as the Troy Museum and Historic Village is owned by the City and administered as a historical museum by the City Council through the City Manager in accordance with the City's Charter. For purposes of this Chapter, the historic resources of the Troy Museum and Historic Village shall include, but are not limited to, those Historic Districts established in Section 3 of this Chapter and listed as Old City Hall, Caswell House, Poppleton School, Old Troy Church formerly at 90 East Square Lake Road, and the Parsonage, formerly at 110 East Square Lake Road. It is the intent of this section that the Commission shall be lenient in its judgment of plans for a new construction or for alteration or demolition of ~~structures~~ historic resources of little historic value, except where such construction, alteration or demolition would seriously impair the historic value and character of the ~~structure or site~~ resource and the surrounding ~~structures~~ resources and area. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed.

In reviewing the plans, the Commission shall ~~give consideration to~~ follow the United States Secretary of the Interior's standards for rehabilitating historic buildings as set forth in 36 CFR part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's standards and guidelines and are established or approved

by the Michigan Department of History, Arts, and Libraries. The Commission shall also consider the following:

1. The historical or architectural value and significance of the ~~structure or site~~ resource and its relationship to the historic value of the surrounding area;
2. The relationship of the exterior architectural features of ~~such structure~~ the resource to the rest of the ~~structure~~ resource and to the surrounding area;
3. The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
4. Any other factor, including aesthetic, which it deems to be pertinent.

The Commission shall ~~pass only on review and act upon~~ exterior features of a ~~structure~~ historic resource and shall not consider interior arrangement, unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not set forth above.

- C. In those situations where the Commission finds the proposed work adversely affects the exterior of a resource the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
- D. Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:
1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
 2. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
 3. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

4. Retaining the resource is not in the interest of the majority of the community.

~~(Rev. 9-25-78)~~

- ~~D.E.~~ The Commission may recommend to the City Council certain incentive programs to encourage preservation of landmark buildings in the City.

~~(Rev. 9-25-78)~~

- ~~E.F.~~ The Commission may accept, in the name of the City of Troy, any grant, loan or aid of any character from Federal, State or private sources, to be expended for the purposes contemplated by this chapter, including, but not limited to the making of surveys of historical structures and/or sites, and the acquisition, restoration and possible resale of properties of historical or architectural significance. Such funds shall be administered in accordance with the Charter of the City of Troy, but a separate accounting shall be made of them and a copy of such accounting given to the Commission at least quarterly.

~~The resale of properties under the jurisdiction of the Commission should not be made without the report and recommendation of the Commission, and should be done with the stipulation that the structure or site must remain a historic district and be subject to the regulations set forth in this chapter, unless removed from the category of "Historic District" upon recommendation of the Commission. Sums received from the resale of such properties may, with the approval of the City Council, be budgeted for the acquisition and restoration of additional historic properties.~~

~~(Rev. 9-25-78)~~

- ~~F.G.~~ Budget: There may be appropriated in the annual budget of the City of Troy a sum of money which may be expended and accounted for in accordance with the Troy City Charter and the Uniform Budgeting and Accounting Act of the State of Michigan.

(Rev. 10-9-72)

6. RULES OF THE COMMISSION

- A. The Commission shall elect from its membership a ~~Chairman~~ Chair, Vice-~~Chairman~~ Chair and Secretary at the first meeting each year. The ~~Chairman~~ Chair shall preside over the Commission and have the right to vote. The Vice-~~Chairman~~ Chair shall perform the duties of the ~~Chairman~~ Chair in his or her absence. The Secretary shall keep an accurate record of the proceedings of the Commission.

~~(Rev. 9-25-78)~~

- B. The Commission should meet at least quarterly, and at the call of the ~~Chairman,~~

Chair, Secretary, or two (2) members of the Commission, if matters are referred to it by the Director of ~~Buildings and Inspections~~. Building and Zoning.

~~(Rev. 10-9-72)~~

- C. At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding meetings. All meetings of the Commission shall be open to the public, and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.

~~(Rev. 10-9-72)~~

- D. The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions. The concurring affirmative vote of four (4) members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the City Council.

(Rev. 9-25-78)

7. PROCEDURES FOR REVIEW OF PLANS

- A. Application for a building permit to construct, alter, move or demolish any ~~structure or site~~ resource in a Historic District shall be made to the Director of ~~Buildings and Inspections~~ Building and Zoning. Plans shall be submitted showing the ~~structure~~ resource in question and also showing its relation to adjacent ~~structures~~ resources.
- B. Upon the filing of such application, the Director of ~~Buildings and Inspections~~ Building and Zoning or his or her representative shall immediately notify the Commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission.
- C. The Commission shall ~~meet within fifteen (15) days after notification by the Director of Buildings and Inspections of the filing, unless otherwise mutually agreed upon by the applicant and the Commission, and shall~~ review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit, and with the Director of ~~Buildings and Inspections~~ Building and Zoning, and with the City Planning Director.
- D. The Commission shall approve or disapprove such plans, and, if approved, shall issue a certificate of ~~approval~~ appropriateness or a notice to proceed, which is to be signed by the ~~Chairman~~ Chair or Vice-~~Chairman~~ Chair, attached to the application for a building permit and immediately transmitted to the Director of ~~Buildings and Inspections~~ Building and Zoning. The ~~Chairman~~ Chair shall also stamp all plans submitted to the Commission signifying its approval or disapproval.

- E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Director of ~~Buildings and Inspections~~ Building and Zoning and to the applicant. The Commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to ~~his~~ the plans and shall have the right to resubmit ~~his~~ the application at any time after so doing.

If the requested permit is denied by the Commission, the Director of ~~Buildings and Inspections~~ Building and Zoning shall disapprove the application.

- F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within ~~forty-five (45)~~ sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval and the Director of ~~Buildings and Inspections~~ Building and Zoning shall proceed to process the application without regard to a certificate of ~~approval~~ appropriateness or notice to proceed from the Commission.

- G. After the certificate of ~~approval~~ appropriateness or notice to proceed has been issued and the building permit granted to the applicant, the Director of ~~Buildings and Inspections~~ Building and Zoning or his or her representative shall inspect the construction or alteration approved by such certificate, in accordance with ~~he~~ the procedures established by the Building Department of the City of Troy.

- H. If the Commission denies a request for a demolition permit, it shall have the privilege of publicizing the imminent destruction of this structure, and may make an effort to find a private or corporate purchaser interested in preserving the property. Failing to find such a purchaser, the Commission may then recommend that the City of Troy purchase the property. Conclusive action must be taken within sixty (60) days of the date of the request.

- I. In cases where approval or demolition is granted for reasons other than public health or safety, ~~such~~ the certificate of ~~approval~~ appropriateness or notice to proceed shall not become effective until sixty (60) days after the date of issuance, in order to provide a period of time within which it may be possible to relieve a hardship or transfer the property to another owner who will retain the ~~structure~~ resource. At the discretion of the Commission, this waiting period may be waived.

- J. If the Commission grants a permit for demolition, it may notify the Troy Historical Commission so that that body may consult with the owner about obtaining anything of historical significance from the property.

- K. If an applicant seeks immediate approval to alter, repair, move or demolish a resource to prevent an imminent hazard to the safety of the public or a structure's occupants, the Chair of the Commission shall call a special meeting as early as possible, in compliance with the Open Meetings Act, to make a decision on the applicant's request.

(Rev. 10-9-72)

~~8.~~ REVIEW OF SITE PLANS FOR HISTORICAL MUSEUM AND HISTORIC GREEN

~~The sites encompassing the former City Hall and Township Hall Building and those Historic Districts included within Parcel Number 16-478-009 as indicated in Section 3 of this Chapter are hereby designated as the Troy Historical Museum and Historic Green.~~

~~Site Plans for development of the Historical Museum and Historic Green Sites are subject to review and action as indicated in Section 18.80.00 (B) of the Zoning Ordinance. Prior to final action on such Site Plans, the City Council shall hold a Public Hearing on same. Notice of this Public Hearing shall be sent to all owners of real property within three hundred (300) feet of the Historical Museum and Historic Green Sites, in indicated in City records.~~

(Rev. 5-10-81)

9.8. DEMOLITION OR MOVING HISTORIC STRUCTURES RESOURCES

The demolition or moving of ~~structures designated as~~ resources located in Historic Districts shall be discouraged. The Commission shall not ~~issue a certificate of approval for approve~~ demolition except when deemed a hazard to public health or safety by a responsible public agency, but may issue ~~such~~ a certificate of appropriateness for moving said structure resource.

The Commission may issue a certificate of ~~approval for the repair, alteration, appropriateness or notice to proceed for the~~ moving or demolition of any structure resource. An application for ~~repair or alteration affecting the exterior appearance of a structure or for~~ the moving or demolition of a structure resource shall be approved by the Commission if any of the following conditions prevail, and if in the opinion of the Commission the proposed ~~changes~~ work will materially improve or correct these conditions:

1. The structure resource is a deterrent to a major improvement program which will be of substantial benefit to the community;
2. Retention of the structure resource would cause undue financial hardship to the owner; or
3. Retention of the structure resource would not be in the interest of the majority of the community.

(Rev. 5-10-81)

~~10.~~ 9. YARD VARIANCES

Due to peculiar conditions of design and construction in Historic Districts, where structures were often built close to the lot lines, it is in the public interest to retain the District's appearance by making variances to normal yard requirements. Where it is

deemed that such variances will not adversely affect neighboring properties, the Commission may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be granted.

(Rev. 5-10-81)

11.10. EXCEPTIONS

Nothing in this chapter shall be construed to prevent ordinary maintenance, repair or sale of any ~~structure~~ resource within an historic district. Nor shall anything in this chapter be construed to alter, amend or delete provisions of other Troy City ordinances, or the Troy City Charter pertaining to the administration, control, or ownership of property owned by the City of Troy.

(Rev. 5-10-81)

11.11. APPEALS

~~Any person or persons jointly or severally aggrieved by a decision of the Commission may, within thirty (30) days after the Director of Buildings and Inspections has disapproved an application for a permit upon recommendation of the commission, appeal to the City Council by written petition; and the City Council shall hear all pertinent evidence and shall affirm said decision, unless it finds the basis of such decision to be unwarranted by the evidence or insufficient in law, or shall take such other action as justice may require.~~

(Rev. 5-10-81)

An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the state historic preservation review board of the Michigan historical commission. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the historic preservation review board may appeal the decision to the circuit court. Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission concerning a matter other than a permit application, may appeal the decision to the circuit court.

12. ESTABLISHMENT, MODIFICATION OR ELIMINATION OF A HISTORIC DISTRICT

A. Establishment of Historic District Study Committee

Before establishing, modifying or eliminating any Historic District, City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall consist of at least one (1) member of the Historic District Commission and shall contain representation from at least one other duly organized local historic preservation organization. The study committee shall be

an ad hoc committee established to consider the establishment, modification or elimination of historic districts in specified areas as determined by City Council and then be dissolved.

B. Duties of the Historic District Study Committee

1. The Historic District Study Committee shall do all of the following:

- a. Conduct a photographic inventory of resources within each proposed historic district, following procedures established or approved by the Michigan Department of History, Arts, and Libraries.
- b. Conduct basic research of each proposed historic district and the historic resources located within that District;
- c. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60.
- d. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
 - i. The charge of the Committee;
 - ii. The composition of the Committee membership;
 - iii. The historic district or districts studied;
 - iv. The boundaries for each proposed historic district in writing and on maps;
 - v. The history of each proposed historic district;
 - vi. The significance of each district as a whole, as well as a sufficient number of individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
- e. Transmit copies of the preliminary report for review to City Council, the Planning Commission, the Historic District Commission, the Michigan Department of History, Arts and Libraries, the Michigan Historical Commission and the State Historic Preservation Review Board.
- f. Make copies of the preliminary report available to the public.

2. The City Council may prescribe the time for preparation and transmittal of the preliminary report if the Council deems it in the public interest to do so.

3. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Study Committee shall hold a public hearing. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261, et seq. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Troy.
4. The Committee shall have no other powers, express or implied, beyond those listed in this section, except as may be otherwise expressly authorized by ordinance or resolution of City Council.

C. Actions to be Taken by the Historic District Study Committee and City Council.

After the date of the public hearing, the Historic District Study Committee and City Council shall take the following actions:

1. The Committee shall prepare and submit a final report with its recommendation and the recommendation, if any, of the Planning Commission to the City Council. If the recommendation is to establish, modify or eliminate a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.
2. After receiving a final report that recommends the establishment, modification or elimination of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances establishing, modifying or eliminating one or more historic districts. If the City Council passes an ordinance or ordinances establishing, modifying or eliminating one or more historic districts, City Council shall file a copy of that ordinance or ordinances, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. City Council shall not pass an ordinance establishing a contiguous historic district less than sixty days after a majority of the property owners within the proposed historic district, as listed on the City tax rolls, have approved the establishment of the historic district pursuant to a written petition.
3. At any time after expiration of the time limits set in or prescribed by City Council pursuant to this section for the Historic District Study Committee to act, the City Council may, in its discretion, proceed to introduce and pass or reject an ordinance as described in the immediately preceding paragraph 2.

D. Elimination of Districts

If considering elimination of a historic district, the Committee shall follow the procedures set forth for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:

1. The historic district has lost those physical characteristics that enabled establishment of the district.

2. The historic district was not significant in the way previously defined.

3. The historic district was established pursuant to defective procedures.

E. Availability

All writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function shall be made available to the public.

13. ENFORCEMENT; VIOLATIONS

A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.

B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a misdemeanor and subject to penalties as provided by law for misdemeanors. The Director of Building and Zoning or his or her representative is hereby legally authorized to issue a citation for a violation of this chapter.

C. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2003.

Matt Pryor, Mayor

Tonni Bartholomew. City Clerk



TO: HISTORIC DISTRICT COMMISSION
FROM: LORI GRIGG BLUHM, CITY ATTORNEY *LG*
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY *AM*
DATE: March 6, 2003
SUBJECT: PROPOSED AMENDMENT TO CHAPTER 13 OF THE CITY
CODE-HISTORIC PRESERVATION

At the request of the Historic District Commission and City Council, our office has reviewed Chapter 13 and makes several recommendations for revision. These recommendations are submitted to you for your review and/or recommendations to City Council. Accordingly, we prepared a proposed amendment to Chapter 13, which has been supplied to you. This memorandum explains the recommended changes set forth in the proposed amendment. We also address other issues and concerns of the Historic District Commission brought to our attention.

SECTION-BY-SECTION EXPLANATION OF PROPOSED AMENDMENTS TO CHAPTER 13

1. PURPOSE

The current statement of purpose complies with the Local Historic District Act, MCL 399.201 *et seq.* hereinafter referred to as "the Act"; thus, we do not recommend any changes to this section.

2. DEFINITIONS

The proposed amendment to section 2 provides definitions for several terms used in the ordinance in accordance with the Act. The significance of the added terms is discussed in later sections of this memorandum.

3. REGULATION OF RESOURCES AND ESTABLISHED HISTORIC DISTRICTS

The proposed amendment replaces the term "structures" with the term "resources". As noted in section 2 of the proposed amendment, "resources" is a broader term which incorporates structures, sites, objects, features, and open space. The proposed amendment also includes additional language to make it clear there shall be no construction, alteration, repair, moving or demolition of the exterior features of a historic resource unless there is compliance with the chapter.

With regard to the historic districts themselves, there is no recommended change at this time. Although the districts may or may not have been properly established, a subsequent modification or an elimination of the districts requires compliance with the Act. Thus, once a study committee completes a report concerning modification or elimination of the historic districts (discussed below), there may be several suggested additions/deletions to section 3 of the ordinance.

It is our very strong recommendation to amend section 3. Many of the established historic districts identified in the current version of section 3 are single properties. A recent decision of the Michigan Court of Appeals held the designation of individual historic properties as historic districts is not valid because it fails to comply with the Act. *Draprop Corporation v City of Ann Arbor*, 247 Mich App 410; 636 NW2d 787 (2001). The Court determined the city's designation of individual properties as historic districts did not meet the requirements of the Act. *Draprop*, 420, MCL 399.201a(i).

Another necessary revision to section 3 of Chapter 3 is the inclusion of a legal description for each district, as required by MCL 399. 203. We have attached to this memorandum, as Exhibit A, copies of provisions of other municipal historic district ordinances that are in compliance with the Act.

4. HISTORIC DISTRICT COMMISSION

This section regarding the creation and membership of the Historic District Commission did not require any significant changes. The only proposed change is some additional language that was taken from the Act. All seven members of the Historic District Commission are appointed by City Council. However, at least two members must be chosen from a list submitted by the Troy Historical Society and one member must be nominated by the Troy Historical Commission.

5. DUTIES AND POWERS OF THE COMMISSION

This section is a substantial revision based upon provisions of the Act. The most significant changes are in the proposed subsection B (presently subsection C in Chapter 13). As revised, this subsection clarifies the procedure to be followed by the Historic District Commission for reviewing permit applications concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource. In addition to utilizing the term "resource", this subsection now refers to a certificate of appropriateness and a "notice to proceed". In order to receive a certificate of appropriateness, the Historic District Commission would need to determine the standards set forth in subsection B are met. A certificate of appropriateness would be issued to approve a permit for work the Historic District Commission finds meets the standards set forth in subsection B. In making its decision, the Historic District Commission is also required to consider the standards for rehabilitating historical buildings as set forth in 36 CFR part 67. A copy of those standards is attached to this memorandum as Exhibit B. The new proposed subsection C requires the Commission to work with the owners of a resource to identify economically feasible methods of preservation when a permit proposes work that adversely affects the exterior of a resource.

The new proposed subsection D sets forth a procedure for issuing what is termed a "notice to proceed". A notice to proceed may be issued by the Commission to authorize work in those situations where a certificate of appropriateness may not be justified, but the conditions of the property are such the owners should be allowed to proceed with the proposed work. The proposed amendment identifies four situations where a "notice to proceed" may be issued including situations where continuation of the resource constitutes a hazard for safety or when retaining the resource causes

undue financial hardship to the owner. The new proposed subsection F (subsection E under the current version of Chapter 13) removes the provision concerning resale of properties. There is no provision of the Act authorizing the Historic District Commission to regulate the resale of properties within historic districts.

The other changes to section 5 are all provisions either required or authorized by the Act.

6. RULES OF THE COMMISSION

The proposed changes to this section are minor revisions replacing the term "Chairman" with "Chair".

7. PROCEDURES FOR REVIEW OF PLANS

The proposed changes to this section are minor. The amendment now refers to the "Director of Building and Zoning" instead of "Director of Buildings and Inspections". The term "resource" replaces "structure", and the proposed amendment includes appropriate references to certificates of appropriateness and notices to proceed.

8. REVIEW OF SITE PLANS FOR HISTORICAL MUSEUM AND HISTORIC GREEN

This section which provides site plan review to the City Council, is deleted from the proposed amendment. Since the Museum and Historic Green are located in an area zoned CF, Community Facilities District, the properties are already subject to the review procedures of City Council under the terms of the zoning ordinance. The Act subjects all properties located within an established historic district to the jurisdiction of the Historic District Commission.

8. DEMOLITION OR MOVING HISTORIC RESOURCES (Presently section 9)

The proposed amendments to this section merely utilize the term "resource" in place of "structure" and the term "certificate of appropriateness" in place of "certificate of approval".

9. YARD VARIANCES (Presently section 10)

There are no proposed changes to this section.

10. EXCEPTIONS (Presently section 11)

The only change proposed to this section is to utilize the term "resource" in place of "structure".

11. APPEALS (Presently section 12)

This section is a complete revision. Under the Act, persons who are aggrieved by a permit denial of the Historic District Commission must file an appeal with the state historical preservation review board of the Michigan Historical Commission. Furthermore, the appeal must be filed within 60 days after a decision is furnished to

the applicant. Under the state statute, a person aggrieved by any other decision of the Historic District Commission may appeal directly to circuit court.

12. ESTABLISHMENT MODIFICATIONS OR ELIMINATION OF A HISTORIC DISTRICT

This is a new section setting forth the procedure required under the Act for the establishment, modification or elimination of a historic district. This section provides for the establishment of a historic district study committee and sets forth its duties and the required procedure to establish, modify or eliminate a historic district. The study committee must prepare a preliminary report regarding the proposal to establish, modify or eliminate a historic district. The report is submitted to the City Council, the Planning Commission, the Historic District Commission, Michigan Department of History, Arts and Libraries, the Michigan Historical Commission, and the state Historic Preservation Review Board. Thereafter, a public hearing is to be held with regard to the preliminary report. Subsequently, the study committee prepares a final report based upon comments received at the public hearing and a recommendation from the Planning Commission. The final report must include a proposed ordinance amendment establishing, modifying or eliminating historic districts in section 3 of the Historic Preservation Ordinance. After receiving the final report, City Council, at its discretion, may pass or reject an ordinance amendment establishing, modifying or eliminating one or more historic districts.

We have attached, as Exhibit C, additional information concerning how to write a historic district study committee report.

13. ENFORCEMENT VIOLATIONS

This section establishes that any person or entity in violation of Chapter 13 is responsible for a municipal civil infraction. However, this section may need to be revised if city council does not adopt the proposed municipal infraction ordinance. In addition to a civil fine the proposed amendment provides, any person who violates the ordinance may be ordered by the Court to pay the cost to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

**OTHER CONCERNS OF THE HISTORIC
DISTRICT COMMISSION**

We were concerned about whether the historic districts presently established under the historic preservation ordinance may be grandfathered in and remain designated as historic districts under an amendment. It is our understanding the present historic districts may not have been properly established. However, since the ordinance does designate the various properties listed in section 3 as historic districts, they continue to be historic districts until eliminated or modified in accordance with the Act. In other words, there is no reason to include a grandfather clause stating the present historic districts shall remain as historic districts. However, the present designation of historic districts may be invalidated if challenged in Court. Thus, it is our suggestion the study committee review each property presently designated as a historic district and attempt to incorporate the properties into

modified historic districts in compliance with the state statute. If any of the properties fail to meet the criteria as set forth in the Act, they should be eliminated as historic districts.

We were also requested to discuss, whether cemeteries may be properly classified under the Act as a Historic District. Pursuant to section 3 of the Act, MCL 399.203 as well as Section 13(B)(1)(C) of the proposed ordinance amendment, the study committee is to be guided by the selection criteria for evaluation issued by the Secretary of Interior for the inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60. We have attached as Exhibit D a copy of part 6 from the manual for state historic preservation review boards that discusses the National Register's criteria for evaluation. As noted in the manual, ordinarily cemeteries, birthplaces, or graves of historical figures are generally not considered eligible for the national register. However, such properties will qualify if they are integral parts of districts that do meet the criteria for historic districts or if they fall within the following categories:

- A. A religious property deriving primary significance from architectural or artistic distinction, or historical importance; or
- B. A building or structure removed from its original location, but which is significant primarily for architectural value or which is a surviving structure most importantly associated with a historic person or events; or
- C. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or
- D. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association of historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent if design, age, traditional or symbolic value has invested it with its own historical significance; or
- G. A property achieving significance within the past 50 years if it is of exceptional importance.

Accordingly, a cemetery may be a historic district if the study committee report indicates it falls within one of the above-referenced categories.

If you should have any questions regarding this matter, please do not hesitate to contact our office.

cc: Loraine Campbell, Museum Manager
Brian Stoutenberg, Library Director

material and character of the property, neighborhood or environment.

(j) Whenever possible, new additions or alterations to resources shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the resource would be unimpaired.

(Ord. 14-97. Passed 8-5-97.)

1470.18 POWERS OF COUNTY HEALTH DEPARTMENT.

This chapter shall not be construed as limiting the powers of the County Health Department in reference to sanitary or environmental health conditions in the City.

(Ord. 14-97. Passed 8-5-97.)

1470.19 CREATION AND BOUNDARIES OF HISTORIC DISTRICTS.

Pursuant to Act 169 of the Public Acts of 1970, as amended, the following Historic Districts are hereby created and bounded as follows:

(a) The Historic District of the Central Business District.
Beginning at the intersection of the centerline of Division Street North and the centerline of State Street East and running thence easterly along the centerline of State Street East to the centerline of Jay Street; thence southerly along the centerline of Jay Street to the center of Michigan Avenue East; thence westerly along the center of Michigan Avenue East to the center of Jackson Street East/Loop Road; thence southwesterly along the centerline of said Jackson Street East to the centerline of Main Street; thence northwesterly along the center of Main Street to a line perpendicular to the southwesterly line of Lot 1 of the Assessor's Plat of Southeast Battle Creek, said line extending from the western most corner of said Lot 1, thence southwesterly along said line to the point of intersection with a line which lies eleven feet east of and parallel with the west line of South Avenue (now vacated), as shown in said Assessor's Plat of Southeast Battle Creek; thence south along said line to the center of Jackson Street East; thence westerly along the center of Jackson Street, as situated and shown on the plat of original Battle Creek, and the extension thereof, to the centerline of the Battle Creek River; thence easterly and southeasterly along the center of the Battle Creek River to the centerline of Division Street North; thence southerly along the center

of Division Street North to the centerline of State Street East and the place of beginning.

(b) The Old Advent Town Historic District. Beginning at the intersection of the centerlines of Barney Street and Jackson Street West and running thence westerly along the center of Jackson Street West to the centerline of Washington Avenue South; thence northerly along the centerline of Washington Avenue South to the centerline of Michigan Avenue West; thence westerly along the centerline of Michigan Avenue West to the southerly extension of a line which lies ten feet east of the westerly line of Lot 36, Range of Blocks 5, of the plat of original Battle Creek, and parallel with said lot line; thence northerly 133 feet along said line to a point distant southerly thirty-two feet from the north line of said Lot 36; thence westerly 176 feet, parallel with the north line of Lots 36, 35, 34 and 33 of said Range of Blocks 5, to a point thirty-four feet westerly of the easterly line of Lot 33; thence northerly 32 feet, parallel with the east line of Lot 33 to the north line thereof; thence westerly along the south line of Lot 16 of Range of Blocks 5, to the southwest corner thereof; thence northerly along the westerly line of Lot 16 and the extension thereof to the centerline of Van Buren Street West; thence westerly along the centerline of Van Buren Street West to the southerly extension of the easterly line of Lot 9 of Range of Blocks 6 of Plat of original Battle Creek; thence northerly 165 feet along the east line of said Lot 9 to the northeasterly corner thereof; thence westerly along the northerly lines of Lots 1 through 9 (conversely) of said Range of Blocks 6 and Lots 1 through 9 (conversely) of Range of Blocks 7 of said Plat and the westerly extension thereof to the centerline of Wood Street North; thence southerly 46 feet along the centerline of Wood Street North; thence westerly 99 feet, parallel with the south line of Lot 3 of Manchester's Addition and 86 feet northerly thereof to a point 66 feet west of the easterly line of said Lot 3; thence northerly 47 feet, parallel with said easterly line of Lot 3; thence westerly 66 feet, parallel with the southerly line of said Lot 3; thence northerly 131 feet along the west line of Lot 3 to the northwest corner thereof; thence continuing 51.5 feet along the northerly extension of said west line of Lot 3; thence north, parallel with the west line of Lot 64 of Manchester's Addition to the north line thereof; thence west to the northwest corner of said lot 64; thence south to the southwest corner of Lot 64; thence westerly 204.6 feet to the southwest corner of Lot 66 of Manchester's Addition; thence north 102.96 feet to the northwest corner of said Lot 66; thence along the south line of Manchester Street to the centerline of Wood Street North; thence north along the centerline of Wood Street North to the westerly extension of the north line of Lot 116 of Grave's Addition to the City of Battle Creek; thence east along the north lines of Lots 108 through 116 (conversely) and Lots 99 through 107 (conversely) of Graves Addition along the north lines of Lots 13 through 23 inclusive of Graves Second Addition to the northeast corner of Lot 23; thence north 33 feet along the west line of Lot 26 of Graves Second Addition;

thence east 49.5 feet parallel with the south line of Lot 26; thence north 132 feet parallel with the west lines of Lots 26 and 27 of Graves Second Addition to the centerline of Greenwood Avenue; thence east 0.50 feet along the centerline of Greenwood Avenue; thence north 165 feet, parallel with the west lines of Lots 93 and 94 of Graves Second Addition and 50 feet easterly there from, to the north line of Lot 94; thence west 18.54 feet to the southeast corner of Lot 1 of Graves Third Addition; thence north along the east lines of Lots 1, 40 and 41 of Graves Third Addition to the south line of Parkway Drive; thence easterly along the south line of Parkway Drive to the easterly line of Hanover Street; thence south along the east line of Hanover Street to the southwest corner of Lot 77 of Walter's Addition; thence east along the south lines of Lots 77, 76, 75 and 74 of Walter's Addition to the west line of Hazel Street; thence north along the west line of Hazel Street to the south line of Seedorff Street; thence east along the south line of Seedorff Street to the northeast corner of Lot 44 of Walter's Addition; thence south along the east lines of Lots 44 through 50, inclusive, of Walter's Addition and the extension thereof to the south line of Walter Avenue; thence east to the northeast corner of Lot 1 of Rice and Weston's Addition; thence south along the east lines of Lots 1 through 9 inclusive of Rice and Weston's Addition, and the southerly extension thereof to the centerline of Emmett Street West; thence east along the centerline of Emmett Street West to the centerline of Brook Street; thence southerly along the centerline of Brook Street to the centerline of Champion Street; thence easterly along the centerline of Champion Street to the northerly extension of a line which lies 17.5 feet easterly of and parallel with the west line of Lot 17 of McCamly's Addition; thence southerly along said line to the southerly line of Lot 17; thence easterly two feet along the south line of Lot 17; thence southerly along a line which lies 19.5 feet easterly of and parallel with the west line of Lot 17 of Range of Blocks 4 of the plat of original Battle Creek; and the southerly extension of said line to the centerline of Van Buren Street West; thence westerly along the centerline of Van Buren Street West to the centerline of Gould Street; thence southerly along the centerline of Gould Street to the centerline of Michigan Avenue West; thence easterly along the centerline of Michigan Avenue West to the centerline of Barney Street; thence southerly along the centerline of Barney Street to the centerline of Jackson Street West and the place of beginning.

(c) The Old Maple Street Historic District. Beginning at the intersection of the centerline of Capital Avenue Northeast and the centerline of Division Street North, and running thence northeasterly along the centerline of Capital Avenue Northeast to the northerly extension of the west line of Lot 12 of the Assessor's Plat of Hinman's Subdivision; thence southerly along the west line of Lot 12 to the southwest corner thereof; thence easterly along the southerly lines of Lots 12 and 14 of said plat to the centerline of Penn Street; thence northerly along the centerline of Penn Street to point of intersection with a line perpendicular to the west line of Lot 2 of Hart's Addition

and 126.16 feet south of the northwest corner of said Lot 2; thence easterly along said perpendicular line to the westerly line of said Lot 2; thence easterly 132.33 feet to a point on the westerly line of Lot 3 of said plat distant southerly 128.94 feet from the northwest corner of said Lot 3; thence southerly 65.1 feet to the southwest corner of Lot 3, thence easterly 265.32 feet along the south lines of Lots 3 and 4 to the northeast corner of Lot 15 of said Hart's Addition; thence southerly along the east line of Lot 15 to a point distant northerly 75 feet from the southeast corner thereof, thence easterly 175.56 feet parallel with the south line of Lot 14 of said Hart's Addition to the centerline of Elm Street; thence northerly along the centerline of Elm Street to point of intersection with a line perpendicular to the west line of Lot 6 of Hart's Addition; thence east along said line to a point on the west line of Lot 6 which lies sixty-six feet north of the southwest corner thereof; thence easterly, parallel with the south line of said Lot 6 to a point 66 feet west of the east line of Lot 6, thence southerly ten feet, parallel with the east line of said Lot 6; thence easterly 66.7 feet parallel with the south line of Lot 6 to the easterly line thereof; thence southerly fifty-five feet to the northwest corner of Lot 12 of Hart's Addition; thence southerly along the west line of Lot 12 to a point distant northerly 115.5 feet from the southwest corner thereof; thence easterly 53.13 feet, parallel with the south line of Lot 12; thence northerly 16.5 feet, parallel with the west line of Lot 12; thence easterly 157.56 feet to a point 132.44 feet north of the south line of Lot 11 of Hart's Addition; thence north 141.25 feet, parallel with the east line of said Lot 11 to the north line thereof; thence easterly 44.4 feet, more or less, to the northeast corner of said Lot 11; thence northerly 56.85 feet along the east line of Lot 8 of Hart's Addition; thence northeasterly 116.4 feet to a point on the east line of Lot 9 of Hart's Addition distant north 59.09 feet from the southeast corner of said Lot 9; thence east thirty-three feet at right angles to Poplar Street, to the centerline thereof; thence north along the centerline of Poplar Street to the point of intersection with the southwesterly extension of the centerline an alley; thence northeasterly along the centerline of said alley which adjoins the southeasterly lines of Lots 2, 3, 4 and 27 of Charles Merritt's Second Addition to Battle Creek, to the southerly extension of the easterly line of Lot 27; thence northerly along the easterly line of Lot 27 to the centerline of Capital Avenue Northeast; thence southwestwardly along the centerline of Capital Avenue Northeast to the centerline of Orchard Place; thence north along the centerline of Orchard Place to the point of intersection with a line perpendicular to the east line of Lot 1 of Charles Merritt's Third Addition, at a point distant north 246 feet from the southeast corner of said Lot 1; thence west 152 feet to a point distant northerly 270 feet from the south line of said Lot 1; thence northwesterly twenty-seven feet to a point on the easterly extension of the southerly line of Lot 33 of Charles Merritt's Addition, distant easterly 41.14 feet from the southeast corner of said Lot 3; thence westerly along the south lines of Lots 33 through 38, inclusive of Charles Merritt's Addition to a point distant westerly 63.8 feet from the southeast corner of Lot 38; thence southerly 72 feet at

right angles; thence westerly 12.75 feet at right angles; thence southerly 49.5 feet at right angles; thence westerly at right angles 149.23 feet to the centerline of Chestnut Street; thence north along the centerline of Chestnut Street to the centerline of Frelinghuysen Avenue, thence westerly along the centerline of Frelinghuysen Avenue to the northerly extension of the easterly line of Lot 205 of the Assessor's re-plat of Merritt's Supplement to Block 2; thence southerly along the easterly line of Lot 205 to the southeast corner thereof; thence westerly to the northwest corner of Lot 193 of said Assessor's re-plat; thence southerly along the west line of Lot 193 to the centerline of Capital Avenue northeast; thence northeasterly along the centerline of Capital Avenue northeast to the centerline of Division Street North and the place of beginning.

(Ord. 17-91. Passed 12-3-91.)

(d) The Merritt's Woods Historic District. Beginning at the northeast corner of Chestnut and Emmett Streets in the City, the same being thirty-three feet north of the east and west quarter line (as occupied) and 805 feet west of the north and south quarter line of Section 6, Town 2, South, Range 7 West; thence N. 0° 15' E., along the east line of Chestnut Street 840.35 feet to point "B," distant 450.65 feet south of the north line of such Section (as now located and used); thence from such east line of Chestnut Street as tangent, and starting in the opposite direction (S. 0° 15' W.), on a curve to the left of twenty feet radius, southerly and easterly, 37.35 feet to point "C"; thence N. 73° 15' E., on tangent to such curve, 115.4 feet to point "D"; thence from the last course as tangent, on a curve to the right, of seventy-five feet radius, 110.55 feet, to point "E"; thence S. 22° 18' E., on tangent to such curve, 16.4 feet, to point "F"; thence S. 89° 45' E., 164 feet, to point "G"; thence S. 47° 56' E., thirty feet, to point "H"; thence N. 74° 42' E., 225 feet, to point "I"; distant 162 feet west of the north and south quarter line of such Section; thence S. 0° 7' E., parallel with such quarter line, 196.8 feet, to point "J"; thence from last course as tangent, on a curve to the left of eighteen feet radius, 28.27 feet to point "K"; thence N. 89° 53' E., at right angles with such quarter line, 144 feet to such quarter line, at a point ("L") 621.1 feet north of Emmett Street and 654.8 feet south of such Section line; thence S. 0° 7' E., along such quarter line, 621.1 feet to the north line of Emmett Street, at point "M"; thence N. 89° 58' W., along such north line of Emmett Street, 805 feet to the place of beginning.

(Ord. 27-82. Passed 12-21-82.)

1470.20 ENFORCEMENT; REMEDIES.

(a) The Building Inspection Department is hereby authorized and directed to enforce all provisions of this chapter, subject to review

1220.14. Review and re-adoption of chapter.

This chapter is presumed to be continuing in perpetuity. However, Council shall review and re-adopt this chapter every five years from the date of its original adoption.

(Ord. No. 905, 12-12-94)

1220.16. Darius B. Moon House historic *district*.

The Darius B. Moon House historic *district*, being the property and area legally described as:

— Lots 1, 2, and 3, Block 3, KEMFS Addition, City of Lansing, Ingham County, Michigan,

is hereby established as a Lansing Historic *District* in accordance with this chapter.

(Ord. No. 01026, § 1, 3-19-01)

1220.99. Penalty.

Any person, individual, partnership, firm, corporation, organization, institution or government agency who or which violates any of the provisions of this chapter is responsible for a civil violation and may be fined not more than five thousand dollars (\$5,000). In addition, any violator of this chapter may be ordered by the Court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. No. 905, 12-12-94)

CHAPTER 1222. SEVEN BLOCK NEIGHBORHOOD DEVELOPMENT PLAN*

***Cross references:** Blighted area rehabilitation - see M.C.L.A. Secs. 125.71 et seq.; P. & Z. 1216.03, 1216.16; Persons displaced by urban renewal - see M.C.L.A. Secs. 125.961 et seq.; Department of Planning and Neighborhood Development - see P. & Z. Ch. 1210; Planning Board - see P. & Z. Ch. 1212; Substandard, hazardous, unsafe or dangerous buildings - see B. & H. 1420.02(U.B.C. 203), 1460.07, 1460.20, 1460.21, 1460.24; Repair of substandard buildings and premises - see B. & H. 1460.22, 1460.23.

1222.01. Approval of plan; file copies.

The Seven Block Neighborhood Development Plan (hereinafter referred to as the Development Plan), as may be amended, for the Development Area described in Section 1222.02, having been duly reviewed and considered, is hereby approved. A copy of such Development Plan is on file in the office of the City Clerk.

(Ord. No. 866, 8-2-93)

1222.02. Description of development area.

◀ Previous
Page

Next Page ▶

Sec. 2-100.2. Historic district established.

The historic district of the City of Holland is hereby established pursuant to Act 169 of the Public Acts of 1970 as amended, and shall be legally described as follows:

(1) Properties of the Holland Historic District:

Those portions of the Original Plat of the City of Holland described as Lot 5, Lot 6, the east 62.5 feet of Lot 7, and Lots 10 through 16, also the south 20 feet of Lot 9 of Block 47; also, all of Block 48; also, all of Block 56; also, all of Block 57, except the east 98 feet of Lot 1 and the east 163.4 feet of Lot 6 thereof. Also included are those portions of the West Addition to the City of Holland as described as the south one-half of Block E, except the north 14 feet of Lot 16 thereof; also, the south one-half of Block F; also, all of Block G and all of Block H. Also included are those portions of the Southwest Addition to the City of Holland described as the south one-half of Block 4, except the north 55 feet of the west 42 feet thereof; also, all of Block 5; also, Lots 1 through 8 and Lots 16 through 18 of Block 8; also, all of Block 9; also, Block 5 of Assessor's Plat No. 2 except Lots 1, 27, 28, 29, 30 and 31 thereof; also, Lots 1 through 28 of VanderVeen's Subdivision and Lots 1 through 5 of Block 6 of Assessor's Plat No. 2 (being that entire block bounded by 15th and 16th Streets and River and Pine Avenues). Part of the SW 1/4 Sec. 29-5-15 of the Original Town Plat, designated as Market Square, now known as Centennial Park; also, the north 1/2 of Block 55, Original Town; also, that part of Block 49, Original Town, described as the west 45.5 feet of Lot 7 and Lot 8 except the east 121 feet, all of Lots 8 and 9 and all of Lot 10, except the east 40 feet; also, that portion of Block 54, Original Town, described as the west 3.38 feet of Lot 2 and all of Lots 3 through 7 thereof. For purposes of district continuity, the foregoing descriptions shall be deemed to extend to the centerlines of any streets or highways adjacent thereto.

(2) Landmark Properties of the Holland Historic District:

City Greenhouses, 22nd at Central. That part of SE 1/4 NW 1/4 Sec. 32-5-15 bounded on the E by Central Ave. on the S & W by State St., on N by 20th Street.

Early Settlers Home, 190 W. 9th Street. Lot 4 Blk. C. West Add. to the City of Holland.

Cappon House, 228 W. 9th Street. Lots 1 and 2, Blk. 1, South West Addition to the City of Holland.

Coatsworth House, 236 W. 9th Street. Lot 1 & E 5 ft. of Lot 2 Ex. S 42 ft. of Lots 1 & 2 Blk. 2, SW Addition to the City of Holland.

Robert Wareham House, 262 W. 9th Street. Lot 1 Blk. 2 Hope College Addition to the City of Holland.

(3) Washington Boulevard Historic District:

Those portions of the original plat of the City of Holland described as the west 21 feet of Lot 2 and Lots 3, 4, 5 of Steketee Brothers Addition; Lots 1 through 5 and Lots 11 and 12 of Block 18 of the Southwest Addition; Lot 12 and the east 20 feet of Lot 11 and Lots 1 and 2 and the east 5 feet of Lot 3, Block 13, Southwest Addition; Lots 1, 11 and 12 of Block 12, Southwest Addition; Lots 1 through 6 and Lots 11 and 12, Block 7, Southwest Addition; Lots 1 through 3 and lots 7, 8 and the north 25.7 feet of Lot 9, Block 5 Hope College Addition; all of Block 6, Southwest Addition; all of Block 4, Hope College Addition; all of Block 3, Southwest Addition; all of Block 3, Hope College Addition; all of Block 2, Southwest Addition; all of Block 2, Hope College Addition; Lots 7 and 8, Tannery Addition; Lots 8 through 11 and the west 41.25 feet of lot 12, Block B, West Addition; Lots 3 through 12 of Block C, West Addition and all of Block 1, Southwest Addition; Lots 1 through 7, Block F, West Addition; Lots 1, 2 and the north 55 feet of the west 42.3 feet of Lot 3, Block 4, Southwest Addition; Lots 9 through 15, Block 8, Southwest Addition; the north 106 feet of Lot 1, Lot 2 except the east 12 feet of the south 26 feet thereof, and Lots 3 through 10, Block 11, Southwest Addition; Lot 9 and the west 50 feet of Lot 10, Block 14, Southwest Addition; the west 45 feet of Lot 9 and the west 44 feet of Lot 10, Block 17, Southwest Addition.

(a) The following Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located.

(b) The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. (The application of these Standards to rehabilitation projects is to be the same as under the previous version so that a project previously acceptable would continue to be acceptable under these Standards.)

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed,

mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited to: improper repointing techniques; improper exterior masonry cleaning methods; or improper introduction of insulation where damage to historic fabric would result. In almost all situations, use of these materials and treatments will result in denial of certification. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will result in denial of certification. For further information on appropriate and inappropriate rehabilitation treatments, owners are to consult the Guidelines for Rehabilitating Historic Buildings published by the NPS. "Preservation Briefs" and additional technical information to help property owners formulate plans for the rehabilitation, preservation, and continued use of historic properties consistent with the intent of the Secretary's Standards for Rehabilitation are available from the SHPOs and NPS regional offices. Owners are responsible for procuring this material as part of property planning for a certified rehabilitation.

(d) In certain limited cases, it may be necessary to dismantle and rebuild portions of a certified historic structure to stabilize and repair weakened structural members and systems. In such cases, the Secretary will consider such extreme intervention as part of a certified rehabilitation if:

(1) The necessity for dismantling is justified in supporting documentation;

(2) Significant architectural features and overall design are retained; and

(3) Adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure.

Section 48(g) of the Internal Revenue Code of 1986 exempts certified historic structures from meeting the physical test for retention of external walls and internal structural framework specified therein for other rehabilitated buildings. Nevertheless, owners are cautioned that the Standards for Rehabilitation require retention of distinguishing historic materials of external and

internal walls as well as structural systems. In limited instances, rehabilitations involving removal of existing external walls, i.e., external walls that detract from the historic character of the structure such as in the case of a nonsignificant later addition or walls that have lost their structural integrity due to deterioration, may be certified as meeting the Standards for Rehabilitation.

(e) Prior approval of a project by Federal, State, and local agencies and organizations does not ensure certification by the Secretary for Federal tax purposes. The Secretary's Standards for Rehabilitation take precedence over other regulations and codes in determining whether the rehabilitation project is consistent with the historic character of the property and, where applicable, the district in which it is located.

(f) The qualities of a property and its environment which qualify it as a certified historic structure are determined taking into account all available information, including information derived from the physical and architectural attributes of the building; such determinations are not limited to information contained in National Register or related documentation.

Section 67.8 Certifications of statutes. Top

(a) State or local statutes which will be certified by the Secretary. For the purpose of this regulation, a State or local statute is a law of the State or local government designating, or providing a method for the designation of, a historic district or districts. This includes any by-laws or ordinances that contain information necessary for the certification of the statute. A statute must contain criteria which will substantially achieve the purpose of preserving and rehabilitating properties of historic significance to the district. To be certified by the Secretary, the statute generally must provide for a duly designated review body, such as a review board or commission, with power to review proposed alterations to structures of historic significance within the boundaries of the district or districts designated under the statute except those owned by governmental entities which, by law, are not under the jurisdiction of the review body.

(b) When the certification of State statutes will have an impact on districts in specific localities, the Secretary encourages State governments to notify and consult with appropriate local officials prior to submitting a request for certification of the statute.

(c) State enabling legislation which authorizes local governments to designate, or provides local governments with a method to designate, a historic district or districts will not be certified unless accompanied by local statutes that implement the purposes of the State law. Adequate State statutes which designate specific historic districts and do not require specific implementing local statutes will be certified. If the State enabling legislation contains provisions which do not meet the intent of the law, local statutes designated under the authority of the enabling legislation will not be certified. When State enabling legislation exists, it must be certified before any local statutes enacted under its authority can be certified.

(d) Who may apply. Requests for certification of State or local statutes may be made only by the Chief Elected Official of the government which enacted

DRAFT 12/2002

“How to Write a Historic District Study Committee Report”

Purpose of the Report

The purpose of the historic district study committee report is to establish the legal basis for the creation of a local historic district. Historical data about a proposed district is collected, analyzed, summarized and presented in the report in a clear and concise manner to illustrate the historic significance of a district. The report should justify why a local historic district is being created and establish the boundaries for the district. The report serves as a source of information for a variety of audiences including:

- the historic district commission as it fulfills its duties as the regulatory body for the district
- planners when decisions on development projects are made within the community;
- professional consultants hired to do historic reviews for federally funded projects; and
- teachers and others in the community interested in using the information to create educational programs about a community's heritage.

Components of the Report

Section 399.203 of Public Act 169 of 1970 (PA 169), as amended, *Michigan's Local Historic Districts Act*, requires that a historic district study committee report contain, at a minimum, six (6) items: 1) the charge of the committee; 2) the composition of the committee membership; 3) the name of the proposed historic district(s); 4) the written and visual boundaries of the district; 5) the history of the proposed district; 6) the significance of the district highlighted by information on a number of the individual resources within the district that relate to that significance. Over the years, the State Historic Preservation Office has found it appropriate to include additional information in the report and in August 2002, the Michigan Historical Center established criteria that requires the following information to be included in the historic district study committee report: a boundary justification, a list of historic and a list of non-historic resources in the district, photographs of the resources highlighted in the report, the total count of the number of resources in the proposed district and percentage of historic to non-historic resources. Below is an explanation of the type of information it would be helpful to include in each component of the report.

Charge of the Committee

The local unit of government, through a resolution, must appoint the members of the historic district study committee. In the study committee report, the charge should contain the following information:

- Name of the municipal body that appointed the historic district study committee
- Date the resolution to appoint the historic district study committee was adopted

- A short verbal description of the general geographic area the committee was asked to study

Composition of Committee Membership

The name of each study committee member should be listed in the report. Because PA 169 requires that the majority of study committee members have a “demonstrated interest” in historic preservation, it is a good idea to show how committee members fulfill this requirement by listing their historic preservation interests and affiliations. This need not be a lengthy description. For example, the study committee member list could look something like this:

John Doe, member, Elk County Historical Society
 LeeAnn Pratt, architect, Smith and Wells, Inc.
 Tom Baker, property owner, Lincoln Heights Historic District
 Sue Richards, planner, Elk City
 Eileen Jones, compiled a comprehensive history of Elk City for the city’s Centennial celebration
 Brian Harris, member, Elk County Historic District Commission
 Todd Baron, archaeologist, Elk College

The Historic District(s) Studied

This is simply the name(s) given to the proposed district(s) that result from the study. For example, “Elk Park Historic District” or the “Adolph Stephenson Farmstead Historic District.” District names are typically based on the historic name associated with the property or area.

The Boundaries of the Proposed District(s)

PA 169 requires that the study committee report include both a written boundary description and a visual depiction of the boundary on a map. The purpose of the maps is to enable readers of the report to determine which individual properties in a given area are or are not included in the district. Thus, the maps should be of a level of detail and quality where this can clearly be seen. Sometimes, more than one map may need to be included in the report.

Verbal Boundary Description

The verbal boundary description should be a legal description of the district boundary. The description should be written so that federal, state, and city planning agencies or a property owner can clearly identify the district’s limits and what properties are included in it. Depending on the size of the district the verbal description of the district could be:

- Legal parcel number
- Block and lot number
- Metes and bounds, or
- Dimensions of a parcel of land, reckoning from a landmark, such as a natural or cultural feature. The description should begin at a fixed reference point and then follow the perimeter of the district, including dimensions and directions.

While parcel numbers can be used, we do not recommend that they be the sole source of identification for the district. Parcels can be merged or eliminated which can cause confusion when trying to identify a district's boundaries in the future. If parcel numbers are used, we recommend also including a metes and bounds description of the district's boundaries.

Visual Boundary Description

The visual boundaries of the proposed district should be clearly and boldly drawn on a map so they are easily distinguishable in the original report and on any copies that are made of the map(s). The final map should be of a size and format that will allow it to be bound within the body of the report: 8 ½ by 11 inches for most districts or 11 x 17 inches with 2 vertical folds for larger districts. Each map should include all of the following:

- Name of the proposed district
- Name of the community and county
- Date the map was created
- Key identifying any symbols used on the map
- North arrow
- All streets in the proposed district with their names clearly labeled
- Street addresses for all properties in the proposed district
- Lot Lines
- Footprints or an outline representation (rectangles or squares) of the individual resources surveyed in the proposed district
- The boundary of the proposed district clearly drawn in a bold line on the map.

For larger districts, a series of maps may be required, one that shows the location of the proposed district within the community and others that show smaller areas of the district in more detail. For example, if you are designating a large district that includes 200 residential properties and a park, you would include an overview map of the whole district that shows its location within the larger community; a series of maps each showing a portion of the district and enabling the reader to see street addresses and number, until the entire district has been depicted; and a site map of the park indicating the location of existing historic features, such as paths, fountains, historic plantings, and monuments. For a farmstead, it may be necessary to draw a site plan to indicate where historically significant features such as orchards, farm fields, silos, barns and outbuildings are located in relation to the farmhouse.

Boundary Justification

The report should include a boundary justification that addresses each directional boundary of the proposed district. Boundaries should be justified by using three guidelines: geographical features, the historic significance of the district, and/or the integrity of the resources in the proposed district. An example:

"The northern district boundary is the Bendy River; the eastern boundary is I-59 which, when it was constructed in 1957, bisected the original plat for the neighborhood; Elm Street was chosen as the southern boundary because it marks a change in housing types from a concentration of early 20th century two-story frame houses to the north and a neighborhood of post-World War II brick ranch houses to the south; Green Street was chosen as the western

boundary as there is a significant loss of material integrity in the resources beyond this point.”

For a single resource property you may simply state something like, “The boundaries are those of the original lot platted in 1882.”

History of the Proposed District

The purpose of the history is to place the district and its resource(s) within its historic context at the local, state, and national level, as need be. The historic context is simply a compilation of the significant time periods, the significant people, and the important trends that shaped the development of the proposed district. The history should be based on facts that can be documented through primary and secondary sources. Beware of including oral traditions that have been passed down for generations but that cannot be substantiated. When writing the report, existing resources in the district should be linked directly to the district’s historic significance. Here is a shortened example of a history statement for a residential district.

“In the early 1900’s Middletown became a center for the development of the early automobile. Travis Jones, who’s Jonesmobile became the most popular car in America between 1910 and 1930, built a factory at 915 Washington Boulevard in 1910 (demolished 1977). The construction of the factory resulted in a boom in population for Middletown as workers left the surrounding farms to take advantage of the high wages offered in the Jones factory. To house these workers, the Oakdale neighborhood was constructed by Dorian Blue, a prominent real estate agent in the city. The Oakdale neighborhood is made up of single story, gable front frame houses that line Oak, Elm, Water and Front Streets between Washington Boulevard and the Green River at the southeastern corner of the district. The homes have little ornamentation but are distinguished by their pressed tin roofs. This was the first subdivision developed in Middletown in response to the needs of the rapidly expanding automobile industry.

In addition to the Jones factory, two other car manufacturers built plants in Middletown between 1904 and 1930. The Casey Steam-Powered automobile was only in production for two years (1904-1906) and did not have a big impact on the development of the automobile or the city of Middletown. However, its founder, James Casey, become Vice President of Jones Automobile in 1912 and was responsible for the design of the company’s most popular car, the Model B. Casey was also a founding member of the Good Roads Movement in Michigan and worked to develop a paved highway between Middletown and Detroit. While the Casey factory building no longer exists, James Casey’s commanding stone Colonial Revival home designed by Grand Rapids architect Samuel Osgood, is located at 12 Addison Street. Addison Street is the stately avenue of estate homes that fronts the Bendy River on the western edge of the district. Casey Park, located in the northeast section of the district was created on land donated to the city of Middletown by James Casey in 1923. Casey hired the nationally known landscape architect, Jens Jensen, to develop the plan for the park.”

If individual properties in the district are significant because of a specific architectural style, they should be discussed in terms of similar resources in the proposed district or in the community overall. You do not need to write lengthy descriptions of

architectural styles. Instead, provide the distinguishing characteristics of the specific property that shows how it is representative of the style. An example:

"The Ira George House at 15 Lincoln Avenue is an excellent example of the Italianate style. The 2-story structure has a square floor plan and is distinguished by its decorative full-length front porch, cupola, round arch windows and large, ornamental roof brackets. This high style structure is one of only 6 Italianates found in the district and the only one constructed of brick. "

Do not fall into the trap, as many communities do, of only explaining the significance of the proposed district in terms of its architecture. It is important to include information on the significant people and events that shaped the district as well.

PA 169 states that the report must highlight individual resources within the proposed district. We recommend that you include a representative example of *all* the property types found in the district. For example, if a predominately residential district includes a school, church, park or commercial structure, these resources should be highlighted in the report along with a variety of the residential homes. Be sure that you include representative examples of the property type found in the majority in the district—don't just concentrate on the unique or special properties. For example, if the majority of the homes are bungalows or simple upright and wing homes, include one or more as representative examples in addition to highlighting the high style or more unusual resources--don't just focus on the district's high style architecture.

Statement of Significance

Each resource needs to be evaluated using the evaluation criteria for the National Register of Historic Places. There are four primary criteria:

- Criterion A: Association with Significant Events
- Criterion B: Association with Significant People
- Criterion C: Design/Construction Significance
- Criterion D: Information Potential

In the report, state the criteria that the district meets (it may be more than one) and how it meets the criteria. For example, "The Oakville District is significant under National Register Criterion A for its association with the developing automobile industry; Criterion B for its association with early automobile pioneer and former Michigan Governor John Doe who lived there from 1897 to 1922 and Criterion C as a representative example of late 19th century vernacular architecture."

Photographs

Remember when taking photographs of resources in the district that you are documenting the way the district looks at the time it was established. This visual record will become a useful tool for the historic district commission when they are reviewing proposed work to a property. They will be able to tell what alterations already existed at the time the district was created. Be sure the resource is unobstructed by trees or cars and that architectural details are clearly visible in the photograph. Photographs should be oblique shots that encompass 2 sides of the building. For multiple resource districts, take at least one photograph of each individual resource. If there are other features on a property that contribute to its

historic significance such as a carriage barn, entry gateposts, a historic fence or garden, photographs should be taken of each feature, if possible. Representative streetscape shots should also be taken to show how the resources relate to each other in terms of set back, vegetation, etc. For single resource districts, we recommend documenting all exterior elevations of the building as well as any special or outstanding features.

Resource Count and Percentage

Historic resources are typically those that are 50 years of age or older, unless the resource is proven to have exceptional significance. Historic resources must retain their integrity—the physical features that represent the period in which the property was built and/or its period of historic significance. Integrity is determined by looking at seven qualities: location (is the property on its original location), design, setting, materials, workmanship, feeling, and association (with people and events).

Each resource in the proposed district should be evaluated to determine if it is a historic (contributing) or non-historic (non-contributing) resource. To make that determination look at the resource in terms of how it relates to the historic context that was developed, the National Register Criteria for Eligibility and the resource's integrity. PA 169 requires that a percentage of historic to non-historic properties be developed. It is a good idea to include this in the study committee report to show the study committee has met this obligation.

Lists of Historic and Non-Historic Properties

It is recommended that a list of the historic properties by street name and address and a list of the non-historic properties by street name and address in the district be included in the report. This will greatly facilitate the use of the report by the historic district commission, building officials, and local planners. It will also enable residents to know if a particular property qualifies for preservation tax credit incentives.

Bibliography

Each report should include a bibliography of the historic resources used to develop the history of the district. The bibliography can be presented in any standard, accepted format such as the *Chicago Manual of Style*.



MANUAL FOR STATE HISTORIC PRESERVATION REVIEW BOARDS

[Previous](#)
[Next](#)

U.S. Department of the Interior, National Park Service
National Register, History and Education

Part 6: The National Register of Historic Places

The National Register of Historic Places is the official list of the Nation's cultural resources worthy of preservation. The National Register is administered by the National Park Service under the Secretary of the Interior in partnership with the State and Federal historic preservation offices. Properties listed in the National Register include districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

The authority of the National Register was established by the U.S. Congress with the passage of the National Historic Preservation Act of 1966. Federal regulations implementing the program are contained in 36 CFR Part 60. Listing in the National Register has the following results which assist in preserving historic properties: recognition that a property is significant to the Nation, the State, or the community; consideration in the planning for Federal or federally assisted projects; eligibility for Federal tax benefits; and qualification for Federal assistance for historic preservation, when funds are available.

The listing of a property in the National Register often changes the way communities perceive their historic resources and gives credibility to efforts of private citizens and public officials to preserve these resources as living parts of our communities. Listing in the National Register, however, does not give the Federal government any control over a property, nor does it impose any financial obligations on the owners, or obligations to make the property accessible to the public, or interfere with an owner's right to alter, manage, or dispose of their property. Historical commissions, design review committees, or special zoning ordinances are established by State laws or local ordinances. These restrictions are not governed by the National Register program, but rather by State or local governments.

The National Register is a central repository of information on historic properties. The National Register differs from other inventories of historic properties in that National Register properties have been evaluated and documented according to uniform national standards. The Secretary of the Interior's National Register Criteria for Evaluation and

EXHIBIT D

documentation standards are used by every State and Territory, and by Federal agencies to identify and document historic properties worthy of consideration in making preservation, planning, and development decisions.

This national inventory can be used for a variety of purposes related to planning and public awareness. Information maintained by the National Register can be incorporated into comprehensive plans, area plans, project plans, or tourism development plans, and can be integrated into Geographic Information Systems (GIS) maps that amalgamate environmental and other planning data. National Register documentation can be made part of heritage education programs to foster an understanding of history and pride in the community at the local level. Teachers can incorporate information on National Register properties into classroom curriculums to illustrate important trends in the past.

NATIONAL REGISTER CRITERIA FOR EVALUATION

National Register criteria define, for the nation as a whole, the scope and nature of historic and archeological properties that are considered for listing in the National Register of Historic Places.

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or
- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important to prehistory or history.

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive

life; or

D. a cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

F. a property primarily commemorative in intent if design, age, traditional, or symbolic value has invested it with its own historical significance; or

G. a property achieving significance within the past 50 years if it is of exceptional importance.

The National Register criteria are broad in order to provide an analytical framework that can encompass the diversity of historic resources across the nation. The physical environment that people create for themselves in various periods of history is based upon needs, technologies, attitudes, and assumptions, all of which taken together shape a community's or a State's historic character or identity. Historical significance is based on a property's capacity to convey some aspect of that character or identity from a specific period of our history. Whether or not a property can convey this depends upon its physical integrity. It is also important to remember that historical significance is not limited to properties associated with the most important figures in a State's history or the finest examples of high style architecture. A wide variety of properties, ranging from the simple to the complex, can serve as tangible evidence of a community's cultural heritage and historic identity.

There are many methods of classifying types and arrangements of prehistoric and historic resources. The National Register uses the following definitions, and nominations are to be submitted in one of these categories:

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structures.

A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically or functionally related unit, such as a courthouse and jail or a house and barn.

The term structure is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.

The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

NOMINATION FORMATS

HISTORIC DISTRICT COMMISSION MINUTES-DRAFT

June 26, 2003

MEETING CALLED TO ORDER AT 7:50 p.m. P.M.

PRESENT: Dorothy Scott
Wilson (Deane) Blythe
Paul Lin
Anne Partlen
Barbara Chambers

ABSENT: Marjorie Biglin

STAFF: Loraine Campbell, Museum Manager

ITEM #1 APPROVAL OF MINUTES OF MEETING OF MARCH 18, 2003
(NOTE: THE APRIL 16, 2003 MEETING WAS CANCELLED FOR LACK OF QUORUM.)

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MARCH 18, 2003.

ITEM #2 OLD BUSINESS**A. Chapter 13:**

The Commission reviewed additional edits suggested by Dean Blythe. Points of concern included:

1. Sec 2.4.B Membership of the Commission shall consist of seven (7) to a maximum of nine (9) members. This wording reflects the maximum number of members permitted by state statute.
2. Sec 2.5.B Ask Allan Motzny to review this new language to determine if it should be more clear.

Paul Lin also brought forward a request that the City of Troy clearly state that professionals serving as volunteer members of boards and commissions who express opinions related to their areas of expertise are not held liable for those comments as they are not retained to provide services as official consultants.

The Commission favors adopting the new Chapter 13, which is in compliance with the state statute. This will allow Troy to complete an application for designation as Certified Local Government entitled to apply for State Historic Preservation grants.

MOVED, TO APPROVE THE REVISIONS TO CHAPTER 13 AS AMENDED AND WITH POINTS OF CONCERN EXPRESSED TO THE CITY ATTORNEY.
YEAS: 5: BLYTHE, LIN, SCOTT, PARTLEN, CHAMBERS.
NAYS: 0.

ITEM #3 NEW BUSINESS**A. Balthazar Korab House:**

Russell Lewis of Oakland County Planning and Economic Development Services spoke to the Commission regarding the estate of architectural photographer Balthazar Korab. In the next year Mr. Korab and his wife are planning to sell their four-acre estate with house and studio. They would like to insure that it could not be subdivided. Mr. Lewis discussed with the Commission the possibility of the

Korab seeking historic designation for the site. Loraine will forward application materials to them.

B. Request for Historic Home improvement by Charlene Harris:

Did not attend the meeting.

C. Review of Troy Heritage Campaign:

Loraine Campbell reviewed the plans of the Troy Heritage Campaign for Commission members.

D. Barbara Chambers

Barbara Chambers attended a regional workshop sponsored by the Michigan Historic Preservation Network and obtained useful information for the Commission.

MOVED, TO APPROVE REIMBURSE BARBAR CHAMBERS \$75 FOR
REGISTRATION FEE PAID TO ATTEND THE MICHIGAN HISTORIC
PRESERVATION NETWORK CONFERENCE.

YEAS: 5: BLYTHE, LIN, SCOTT, PARTLEN, CHAMBERS.

NAYS: 0.

HDC meeting adjourned at 9:45 P.M.

The next regular meeting is scheduled for Tuesday, September 17, 2003 Troy City Hall
in Conference Room C.

Respectively Submitted,

Loraine Campbell
for
Marjorie A. Biglin, Secretary

June 26, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: 2003 State Equalized Value

Attached is a listing of information compiled from the State Tax Commission's final 2003 State Equalized Values for 2003 (modified by Nino Licari). The chart details the State Equalized values by property class and county.

Following the County listing is the top 20 Counties sorted by State Equalized Value. As you might imagine, Oakland County has the highest State Equalized Value (SEV) of any of the 83 counties in the State.

Troy's SEV would rank as the 12th largest COUNTY, based on our total value.

The second set of data shows the total SEV of all cities and townships in Michigan, with an SEV in excess of one billion dollars.

The chart following the City/Township listing sorts the top twenty cities/townships by State Equalized Value (SEV).

Troy, once again, has the second highest SEV of any city or township in the State, following Detroit.

2003 State Equalized Values by the State Tax Commission

County	Agricultural SEV	Commercial SEV	Industrial SEV	Residential SEV	Timber Cut Over SEV	Developmental SEV	Total Real SEV	Total Personal SEV	Total SEV
Alcona	43,825,030	28,780,302	16,646,908	718,957,498	0	0	808,209,738	27,651,650	835,861,388
Alger	6,064,930	32,429,011	6,613,300	271,625,320	81,486	0	316,814,047	23,663,100	340,477,147
Allegan	525,409,346	394,617,859	218,463,250	2,782,309,683	0	23,365,600	3,944,165,738	331,719,278	4,275,885,016
Alpena	106,468,600	103,670,993	33,603,400	601,235,700	45,831,200	0	890,809,893	80,738,901	971,548,794
Antrim	105,617,067	94,538,601	11,330,300	1,824,664,323	1,157,100	0	2,037,307,391	65,550,534	2,102,857,925
Arenac	76,875,200	45,970,181	7,461,000	453,103,850	0	54,700	583,464,931	29,019,129	612,484,060
Baraga	9,855,188	16,227,750	12,985,571	165,703,656	23,589,050	0	228,361,215	17,337,658	245,698,873
Barry	256,781,278	116,123,933	16,616,900	1,504,700,988	0	3,633,675	1,897,856,774	84,495,091	1,982,351,865
Bay	224,311,050	362,138,900	280,511,200	1,892,485,000	0	1,520,100	2,760,966,250	250,125,200	3,011,091,450
Benzie	34,258,098	75,739,269	7,060,345	1,085,334,875	1,772,900	0	1,204,165,487	23,169,002	1,227,334,489
Berrien	338,457,682	579,179,590	617,064,010	4,111,353,122	0	0	5,646,054,404	395,327,768	6,041,382,172
Branch	297,508,164	155,610,711	27,615,808	812,596,184	0	0	1,293,330,867	115,030,477	1,408,361,344
Calhoun	284,419,051	512,242,986	188,096,736	2,237,852,548	0	4,070,600	3,226,681,921	552,139,082	3,778,821,003
Cass	278,808,247	84,409,038	36,698,635	1,359,376,020	0	0	1,759,291,940	92,528,855	1,851,820,795
Charlevoix	73,543,890	145,609,360	44,524,200	1,943,266,231	20,431,700	0	2,227,375,381	99,298,300	2,326,673,681
Chegoogan	52,710,500	163,904,200	6,289,700	1,310,189,850	4,283,600	8,701,300	1,546,079,150	42,619,692	1,588,698,842
Chippewa	59,296,445	133,640,651	18,779,320	792,633,254	0	0	1,004,349,670	45,237,299	1,049,586,969
Clare	70,494,767	83,131,345	10,740,133	849,053,303	0	0	1,013,419,548	94,699,370	1,108,118,918
Clinton	299,069,369	209,975,247	30,575,450	1,519,196,640	0	21,369,694	2,080,186,400	105,278,449	2,185,464,849
Crawford	13,806,100	53,512,653	45,076,300	465,850,100	2,308,100	649,300	581,202,553	49,715,700	630,918,253
Delta	29,477,420	114,554,842	42,274,881	791,745,027	486,057	274,730	978,812,957	179,647,541	1,158,460,498
Dickinson	18,307,950	103,177,400	71,287,650	450,459,050	18,033,000	0	661,265,050	129,247,950	790,513,000
Eaton	294,937,900	555,483,450	166,882,090	2,112,350,910	0	19,052,130	3,148,706,480	214,872,660	3,363,579,140
Emmet	67,525,337	311,973,098	22,790,168	2,433,191,238	939,200	6,008,300	2,842,427,341	97,640,301	2,940,067,642
Genesee	137,786,700	1,992,977,841	479,802,470	8,101,246,431	0	2,708,800	10,714,522,242	934,450,805	11,648,973,047
Gladwin	70,023,806	43,748,490	7,459,100	838,597,974	0	0	959,829,370	30,912,143	990,741,513
Gogebic	5,385,330	42,409,093	6,479,316	369,720,630	19,547,907	0	443,542,276	57,988,781	501,531,057
Grand Traverse	168,758,216	816,008,317	69,440,554	2,958,706,837	0	0	4,012,913,924	233,282,630	4,246,196,554
Gratiot	327,057,059	83,698,393	25,942,150	461,606,636	0	0	898,304,238	77,215,377	975,519,615
Hillside	365,893,184	91,738,450	36,026,370	891,288,023	0	1,172,230	1,386,118,257	102,485,689	1,488,603,946
Houghton	27,389,096	95,378,344	7,018,675	510,691,028	19,079,147	0	659,556,290	37,367,308	696,923,598
Huron	544,360,700	115,616,100	42,397,600	962,874,000	0	0	1,665,248,400	67,606,300	1,732,854,700
Ingham	359,293,990	1,905,811,777	165,634,430	4,936,259,030	0	10,455,100	7,377,454,327	574,650,627	7,952,104,954
Ionia	274,778,800	131,783,300	28,659,000	972,810,000	0	2,564,300	1,410,595,400	83,585,000	1,494,180,400

2003 State Equalized Values by the State Tax Commission

County	Agricultural SEV	Commercial SEV	Industrial SEV	Residential SEV	Timber Cut Over SEV	Developmental SEV	Total Real SEV	Total Personal SEV	Total SEV
Iosco	53,779,893	96,624,191	30,533,325	922,272,536	3,450,799	4,832,800	1,111,493,544	59,385,910	1,170,879,454
Iron	10,987,894	29,694,201	26,020,600	314,699,458	40,659,756	0	422,061,909	49,998,860	472,060,769
Isabella	218,852,201	295,958,837	20,557,870	900,426,632	4,850,650	5,994,897	1,446,641,087	96,990,643	1,543,631,730
Jackson	348,840,781	665,986,713	289,260,857	3,270,115,418	0	30,605,385	4,604,809,154	358,562,695	4,963,371,849
Kalamazoo	153,280,951	1,396,751,002	443,920,723	4,729,736,472	0	0	6,723,689,148	810,320,054	7,534,009,202
Kalkaska	46,073,250	51,747,185	9,105,100	592,309,441	2,305,748	0	701,540,724	114,030,205	815,570,929
Kent	286,403,550	3,567,133,300	1,710,196,550	12,487,852,560	0	3,888,700	18,055,474,660	1,863,896,120	19,919,370,780
Keweenaw	4,329,480	7,779,091	167,542	114,819,469	600,194	0	127,695,776	4,393,927	132,089,703
Lake	31,291,550	41,782,483	641,300	461,761,960	10,017,800	0	545,495,093	10,712,958	556,208,051
Lapeer	450,355,693	248,010,150	59,315,469	2,556,306,399	0	23,174,159	3,337,161,870	173,032,010	3,510,193,880
Leelanau	194,683,028	149,128,926	5,953,958	2,300,467,448	0	0	2,650,233,360	36,642,786	2,686,876,146
Lenawee	539,832,675	361,861,828	79,955,700	2,198,687,498	0	12,755,800	3,193,093,501	223,481,114	3,416,574,615
Livingston	280,590,858	798,644,632	364,682,356	6,625,515,574	0	0	8,069,433,420	468,715,657	8,538,149,077
Luce	10,831,600	16,295,500	2,104,800	178,535,300	391,700	0	208,158,900	8,292,247	216,451,147
Mackinac	19,225,025	188,607,033	15,031,915	685,612,307	13,040,099	0	921,516,379	77,631,756	999,148,135
Macomb	168,293,962	4,086,548,493	2,393,742,659	22,566,713,491	0	59,943,269	29,275,241,874	2,731,345,097	32,006,586,971
Manistee	58,954,600	87,252,961	65,071,800	892,205,080	146,000	0	1,103,630,441	93,532,474	1,197,162,915
Marquette	21,970,800	224,533,393	110,372,750	1,139,923,625	32,517,700	0	1,529,318,268	105,538,430	1,634,856,698
Mason	85,477,800	143,992,282	262,105,200	881,706,492	0	0	1,373,281,774	82,200,082	1,455,481,856
Mecosta	154,551,250	122,750,600	22,813,500	890,998,161	0	0	1,191,113,511	92,480,871	1,283,594,382
Menominee	62,271,907	40,297,196	23,486,630	481,588,734	5,713,900	210,000	613,568,367	42,423,011	655,991,378
Midland	98,492,154	289,117,641	1,064,566,149	1,887,617,161	4,977,691	249,270	3,345,020,066	490,996,749	3,836,016,815
Missaukee	113,519,900	20,443,559	10,172,400	399,359,300	0	0	543,495,159	42,698,079	586,193,238
Monroe	342,155,453	638,975,155	1,113,416,407	3,591,071,882	0	16,428,886	5,702,047,783	464,976,294	6,167,024,077
Montcalm	309,039,400	156,422,200	146,699,400	1,129,153,100	0	65,000	1,741,379,100	119,458,500	1,860,837,600
Montmorency	26,055,059	18,996,000	6,476,400	444,644,884	0	0	496,172,343	60,375,838	556,548,181
Muskegon	113,768,600	673,530,210	223,302,899	3,215,627,368	0	0	4,226,229,077	367,789,945	4,594,019,022
Newaygo	146,734,300	99,791,600	44,698,000	1,136,349,669	0	92,800	1,427,666,369	76,458,770	1,504,125,139
Oakland	179,175,390	11,435,935,410	4,133,581,982	46,577,341,174		275,251,120	62,601,285,076	4,484,153,706	67,085,438,782
Oceana	149,051,747	67,250,788	18,557,639	847,017,780	0	0	1,081,877,954	42,176,453	1,124,054,407
Ogemaw	74,372,198	81,632,899	9,611,500	710,040,047	0	17,500	875,674,144	45,865,830	921,539,974
Ontonagon	24,844,479	14,772,721	20,916,735	154,636,504	25,696,379	0	240,866,818	27,294,874	268,161,692
Osceola	132,167,600	33,739,989	20,635,823	490,386,305	0	0	676,929,717	103,392,509	780,322,226
Oscoda	13,171,774	26,927,874	4,468,055	347,416,169	8,819,900	1,327,207	402,130,979	22,469,527	424,600,506

2003 State Equalized Values by the State Tax Commission

County	Agricultural SEV	Commercial SEV	Industrial SEV	Residential SEV	Timber Cut Over SEV	Developmental SEV	Total Real SEV	Total Personal SEV	Total SEV
Otsego	57,521,381	219,073,674	33,628,200	851,943,300	0	0	1,162,166,555	187,125,613	1,349,292,168
Ottawa	462,517,320	1,087,866,806	739,157,289	6,249,467,098	2,545,300	4,480,900	8,546,034,713	610,105,073	9,156,139,786
Presque Isle	73,438,350	26,115,893	14,922,900	527,299,000	24,405,900	128,600	666,310,643	34,515,250	700,825,893
Roscommon	21,930,677	114,200,711	2,745,100	1,270,682,262	0	0	1,409,558,750	35,203,321	1,444,762,071
Saginaw	326,070,520	850,414,442	136,804,232	3,289,242,487	0	13,720,100	4,616,251,781	526,687,722	5,142,939,503
Saint Clair	489,948,402	566,571,526	906,270,043	4,236,291,363	0	823,300	6,199,904,634	517,807,765	6,717,712,399
Saint Joseph	288,516,360	165,447,759	101,158,508	1,154,622,160	0	0	1,709,744,787	184,102,217	1,893,847,004
Sanilac	526,374,358	99,722,065	22,422,054	919,687,486	1,039,000	2,041,200	1,571,286,163	63,429,597	1,634,715,760
Schoolcraft	12,337,082	29,278,735	8,099,520	267,378,440	6,009,850	0	323,103,627	46,090,235	369,193,862
Shiawassee	286,680,300	192,238,400	31,326,160	1,336,551,280	0	688,100	1,847,484,240	94,759,400	1,942,243,640
Tuscola	440,857,382	90,165,484	18,452,100	943,905,449	5,045,140	179,400	1,498,604,955	75,640,501	1,574,245,456
Van Buren	219,405,215	182,654,592	221,043,798	1,757,441,587	0	0	2,380,545,192	221,212,835	2,601,758,027
Washtenaw	405,628,167	2,652,146,800	804,850,690	10,017,579,990	0	72,914,160	13,953,119,807	1,092,570,745	15,045,690,552
Wayne	51,303,100	8,027,544,374	4,278,783,042	38,807,933,307	0	29,947,200	51,195,511,023	5,777,906,287	56,973,417,310
Wexford	55,846,500	141,354,643	38,206,005	690,885,424	0	0	926,292,572	79,388,501	1,005,681,073
Totals	14,490,357,406	50,419,523,422	22,918,860,554	251,936,860,990	349,773,953	665,360,312	340,780,736,637	28,744,556,690	369,525,293,327

2003 State Equalized Values by the State Tax Commission

County	Agricultural SEV	Commercial SEV	Industrial SEV	Residential SEV	Timber Cut Over SEV	Developmental SEV	Total Real SEV	Total Personal SEV	Total SEV
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Top Twenty Counties by SEV (Troy's SEV would rank 12th largest)

Oakland	179,175,390	11,435,935,410	4,133,581,982	46,577,341,174		275,251,120	62,601,285,076	4,484,153,706	67,085,438,782
Wayne	51,303,100	8,027,544,374	4,278,783,042	38,807,933,307	0	29,947,200	51,195,511,023	5,777,906,287	56,973,417,310
Macomb	168,293,962	4,086,548,493	2,393,742,659	22,566,713,491	0	59,943,269	29,275,241,874	2,731,345,097	32,006,586,971
Kent	286,403,550	3,567,133,300	1,710,196,550	12,487,852,560	0	3,888,700	18,055,474,660	1,863,896,120	19,919,370,780
Washtenaw	405,628,167	2,652,146,800	804,850,690	10,017,579,990	0	72,914,160	13,953,119,807	1,092,570,745	15,045,690,552
Genesee	137,786,700	1,992,977,841	479,802,470	8,101,246,431	0	2,708,800	10,714,522,242	934,450,805	11,648,973,047
Ottawa	462,517,320	1,087,866,806	739,157,289	6,249,467,098	2,545,300	4,480,900	8,546,034,713	610,105,073	9,156,139,786
Livingston	280,590,858	798,644,632	364,682,356	6,625,515,574	0	0	8,069,433,420	468,715,657	8,538,149,077
Ingham	359,293,990	1,905,811,777	165,634,430	4,936,259,030	0	10,455,100	7,377,454,327	574,650,627	7,952,104,954
Kalamazoo	153,280,951	1,396,751,002	443,920,723	4,729,736,472	0	0	6,723,689,148	810,320,054	7,534,009,202
Saint Clair	489,948,402	566,571,526	906,270,043	4,236,291,363	0	823,300	6,199,904,634	517,807,765	6,717,712,399
Monroe	342,155,453	638,975,155	1,113,416,407	3,591,071,882	0	16,428,886	5,702,047,783	464,976,294	6,167,024,077
Berrien	338,457,682	579,179,590	617,064,010	4,111,353,122	0	0	5,646,054,404	395,327,768	6,041,382,172
Saginaw	326,070,520	850,414,442	136,804,232	3,289,242,487	0	13,720,100	4,616,251,781	526,687,722	5,142,939,503
Jackson	348,840,781	665,986,713	289,260,857	3,270,115,418	0	30,605,385	4,604,809,154	358,562,695	4,963,371,849
Muskegon	113,768,600	673,530,210	223,302,899	3,215,627,368	0	0	4,226,229,077	367,789,945	4,594,019,022
Allegan	525,409,346	394,617,859	218,463,250	2,782,309,683	0	23,365,600	3,944,165,738	331,719,278	4,275,885,016
Grand Traverse	168,758,216	816,008,317	69,440,554	2,958,706,837	0	0	4,012,913,924	233,282,630	4,246,196,554
Midland	98,492,154	289,117,641	1,064,566,149	1,887,617,161	4,977,691	249,270	3,345,020,066	490,996,749	3,836,016,815
Calhoun	284,419,051	512,242,986	188,096,736	2,237,852,548	0	4,070,600	3,226,681,921	552,139,082	3,778,821,003

2003 State Equalized Values by the State Tax Commission

County	Agricultural SEV	Commercial SEV	Industrial SEV	Residential SEV	Timber Cut Over SEV	Developmental SEV	Total Real SEV	Total Personal SEV	Total SEV
Cities or Townships with over 1 Billion Dollars Total SEV									
Allen Park	0	102,094,500	88,665,100	791,305,223	0	0	982,064,823	142,899,500	1,124,964,323
Ann Arbor	0	1,381,493,500	200,424,400	2,976,557,000	0	0	4,558,474,900	276,932,300	4,835,407,200
Auburn Hills	0	735,240,655	848,963,300	361,730,920	0	17,250,600	1,963,185,475	472,257,430	2,435,442,905
Battle Creek	3,537,271	255,680,235	133,252,535	764,461,270	0	0	1,156,931,311	351,059,132	1,507,990,443
Bedford Twp	12,609,866	90,636,180	31,604,380	844,140,631	0	1,829,540	980,820,597	39,085,980	1,019,906,577
Birmingham	0	572,496,090	18,332,410	1,803,054,110	0	0	2,393,882,610	60,481,400	2,454,364,010
Bloomfield Hills	0	181,406,360	175,780	824,091,070	0	0	1,005,673,210	30,515,450	1,036,188,660
Bloomfield Twp	0	227,729,730	24,614,330	3,660,409,480	0	0	3,912,753,540	93,199,060	4,005,952,600
Brighton Twp	1,600,281	80,128,786	37,877,644	821,059,100	0	0	940,665,811	65,767,804	1,006,433,615
Canton Twp	0	464,433,230	189,244,450	2,799,678,549	0	0	3,453,356,229	181,825,350	3,635,181,579
Cascade Twp	0	172,705,200	161,433,900	789,596,800	0	3,145,000	1,126,880,900	130,217,200	1,257,098,100
Chesterfield Twp	6,023,436	200,854,297	137,513,669	1,193,943,948	0	8,797,061	1,547,132,411	119,037,292	1,666,169,703
Clinton Twp	0	577,983,500	204,467,700	2,319,222,100	0	0	3,101,673,300	184,649,000	3,286,322,300
Commerce Twp	16,957,470	199,564,010	134,852,370	1,635,768,275	0	17,439,570	2,004,581,695	99,917,560	2,104,499,255
Dearborn	0	1,098,919,550	402,543,650	2,459,262,648	0	0	3,960,725,848	900,530,150	4,861,255,998
Dearborn Heights	0	165,671,700	19,746,000	1,539,417,100	0	0	1,724,834,800	76,684,900	1,801,519,700
Delta	3,460,500	371,433,200	120,082,600	701,998,200	0	4,450,900	1,201,425,400	112,929,900	1,314,355,300
Detroit	0	1,977,760,856	709,092,292	7,981,680,697	0	0	10,668,533,845	1,391,662,381	12,060,196,226
Farmington Hills	0	912,595,660	273,140,830	2,999,998,350	0	0	4,185,734,840	300,524,080	4,486,258,920
Flint	0	234,689,000	212,453,900	1,012,591,332	0	0	1,459,734,232	365,427,300	1,825,161,532
Flint Twp	0	530,653,600	10,810,500	551,887,300	0	0	1,093,351,400	92,404,100	1,185,755,500
Frenchtown Twp	19,210,150	140,212,800	564,670,100	413,366,100	0	0	1,137,459,150	99,659,300	1,237,118,450
Genoa Twp	11,344,900	184,263,100	48,393,200	802,377,050	0	0	1,046,378,250	53,290,100	1,099,668,350
Georgetown Twp	6,437,074	122,899,340	33,143,189	1,083,952,579	0	0	1,246,432,182	43,400,800	1,289,832,982
Grand Blanc	0	195,527,200	69,406,200	870,546,900	0	0	1,135,480,300	107,813,600	1,243,293,900
Grand Rapids	0	1,087,334,100	285,692,200	2,821,007,400	0	0	4,194,033,700	453,233,500	4,647,267,200
Hamburg Twp	7,566,500	23,792,100	8,243,000	963,380,700	0	0	1,002,982,300	22,617,010	1,025,599,310
Harrison Twp	1,037,110	116,273,860	30,987,940	872,956,320	0	0	1,021,255,230	27,421,170	1,048,676,400
Holland Twp	22,688,900	304,608,200	128,312,800	576,791,500	0	0	1,032,401,400	135,887,100	1,168,288,500
Independence Twp	0	168,983,500	16,043,700	1,426,221,200	0	18,393,900	1,629,642,300	51,957,700	1,681,600,000

2003 State Equalized Values by the State Tax Commission

County	Agricultural SEV	Commercial SEV	Industrial SEV	Residential SEV	Timber Cut Over SEV	Developmental SEV	Total Real SEV	Total Personal SEV	Total SEV
Cities or Townships with over 1 Billion Dollars Total SEV									
Kalamazoo	0	431,318,650	161,559,150	830,145,530	0	0	1,423,023,330	246,640,500	1,669,663,830
Kentwood	0	482,198,000	325,621,850	826,847,600	0	0	1,634,667,450	277,902,001	1,912,569,451
Lansing	0	823,661,500	74,252,300	1,390,290,900	0	0	2,288,204,700	237,972,300	2,526,177,000
Livonia	0	759,899,690	597,596,710	3,494,816,500	0	0	4,852,312,900	570,000,000	5,422,312,900
Macomb Twp	7,865,160	168,824,420	93,739,970	2,360,803,700	0	14,498,790	2,645,732,040	82,994,610	2,728,726,650
Madison Heights	0	286,534,630	269,127,700	611,904,340	0	0	1,167,566,670	168,465,610	1,336,032,280
Meridian Twp	1,161,900	391,528,100	4,151,400	1,190,942,150	0	0	1,587,783,550	77,626,300	1,665,409,850
Midland	0	244,837,500	1,050,104,100	938,516,800	0	0	2,233,458,400	433,920,800	2,667,379,200
Monroe	302,100	111,032,540	367,787,590	414,114,980	0	495,350	893,732,560	113,850,650	1,007,583,210
Northville Twp	13,877,000	191,684,000	50,087,960	1,409,372,190	0	0	1,665,021,150	44,588,726	1,709,609,876
Novi	0	774,670,900	237,566,000	1,930,031,450	0	47,859,350	2,990,127,700	205,961,210	3,196,088,910
Oakland Twp	9,552,630	36,421,820	4,425,430	1,091,207,865	0	55,348,620	1,196,956,365	34,933,470	1,231,889,835
Orion Twp	6,941,210	170,449,540	135,157,090	1,307,728,870	0	0	1,620,276,710	167,051,700	1,787,328,410
Pittsfield Twp	2,171,300	370,121,200	125,703,300	951,052,100	0	4,434,300	1,453,482,200	122,197,200	1,575,679,400
Plainfield Twp	549,900	157,630,100	40,166,900	763,784,500	0	0	962,131,400	58,740,400	1,020,871,800
Plymouth Twp	0	147,429,950	314,030,420	1,354,354,440	0	0	1,815,814,810	222,726,520	2,038,541,330
Pontiac	0	378,470,180	256,851,110	779,701,900	0	0	1,415,023,190	311,643,520	1,726,666,710
Portage	7,250,600	391,810,800	149,028,800	1,010,200,700	0	0	1,558,290,900	319,844,800	1,878,135,700
Redford Twp	0	136,621,900	98,646,500	1,184,766,161	0	0	1,420,034,561	111,662,500	1,531,697,061
Rochester Hills	0	448,667,220	215,290,760	2,772,096,800	0	0	3,436,054,780	205,993,980	3,642,048,760
Romulus	0	177,898,400	441,454,800	404,432,400	0	29,947,200	1,053,732,800	242,301,500	1,296,034,300
Roseville	0	287,357,132	123,653,389	924,204,267	0	0	1,335,214,788	133,637,030	1,468,851,818
Royal Oak	0	420,744,150	70,151,890	1,976,686,065	0	0	2,467,582,105	135,071,970	2,602,654,075
Saginaw Twp	350,500	327,191,000	6,316,900	838,888,200	0	10,287,500	1,183,034,100	77,228,500	1,260,262,600
Scio Twp	19,179,700	182,216,900	133,428,000	866,999,600	0	7,492,400	1,209,316,600	122,430,800	1,331,747,400
Shelby Twp	0	434,722,780	228,470,892	2,544,965,357	0	0	3,208,159,029	207,451,783	3,415,610,812
Southfield	0	1,773,624,540	60,869,190	1,748,942,310	0	0	3,583,436,040	457,372,200	4,040,808,240
Southfield Twp	0	116,751,230	221,970	1,097,020,880	0	0	1,213,994,080	27,479,570	1,241,473,650
Saint Clair Shores	0	274,176,400	25,055,600	1,905,768,600	0	0	2,205,000,600	64,034,500	2,269,035,100
Sterling Heights	0	752,304,400	465,301,000	3,502,186,400	0	0	4,719,791,800	607,793,500	5,327,585,300

Cities or Townships with over 1 Billion Dollars Total SEV

2003 State Equalized Values by the State Tax Commission

County	Agricultural SEV	Commercial SEV	Industrial SEV	Residential SEV	Timber Cut Over SEV	Developmental SEV	Total Real SEV	Total Personal SEV	Total SEV
Taylor	0	397,783,800	197,464,800	1,128,244,977	0	0	1,723,493,577	166,553,400	1,890,046,977
Troy	0	1,676,700,180	581,545,550	3,345,601,830	0	0	5,603,847,560	584,236,696	6,188,084,256
Van Buren Twp	9,708,200	182,116,000	175,986,000	624,731,084	0	0	992,541,284	102,565,700	1,095,106,984
West Bloomfield Twp	11,665,810	327,206,810	12,179,710	3,746,319,190	0	0	4,097,371,520	78,107,120	4,175,478,640
Westland	0	527,755,930	112,798,430	1,657,840,840	0	0	2,298,395,200	179,062,170	2,477,457,370
Warren	0	572,342,170	751,245,420	3,006,294,040	0	0	4,329,881,630	787,465,492	5,117,347,122
Washington Twp	9,977,000	85,280,100	31,219,100	909,789,420	0	13,367,900	1,049,633,520	80,644,210	1,130,277,730
Waterford Twp	2,012,060	510,756,275	29,454,510	2,262,995,898	0	0	2,805,218,743	104,792,550	2,910,011,293
White Lake Twp	0	79,836,510	6,610,080	1,021,379,500	0	6,005,490	1,113,831,580	34,357,020	1,148,188,600
Wyoming	0	418,549,900	320,754,400	1,135,019,300	0	0	1,874,323,600	291,783,200	2,166,106,800
Ypsilanti Twp	3,476,100	274,021,000	103,049,900	1,013,265,200	0	17,556,000	1,411,368,200	201,492,900	1,612,861,100

2003 State Equalized Values by the State Tax Commission

County	Agricultural SEV	Commercial SEV	Industrial SEV	Residential SEV	Timber Cut Over SEV	Developmental SEV	Total Real SEV	Total Personal SEV	Total SEV
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Top Twenty Cities/Townships by SEV - Troy is 2nd)

Detroit	0	1,977,760,856	709,092,292	7,981,680,697	0	0	10,668,533,845	1,391,662,381	12,060,196,226
Troy	0	1,676,700,180	581,545,550	3,345,601,830	0	0	5,603,847,560	584,236,696	6,188,084,256
Livonia	0	759,899,690	597,596,710	3,494,816,500	0	0	4,852,312,900	570,000,000	5,422,312,900
Sterling Heights	0	752,304,400	465,301,000	3,502,186,400	0	0	4,719,791,800	607,793,500	5,327,585,300
Warren	0	572,342,170	751,245,420	3,006,294,040	0	0	4,329,881,630	787,465,492	5,117,347,122
Dearborn	0	1,098,919,550	402,543,650	2,459,262,648	0	0	3,960,725,848	900,530,150	4,861,255,998
Ann Arbor	0	1,381,493,500	200,424,400	2,976,557,000	0	0	4,558,474,900	276,932,300	4,835,407,200
Grand Rapids	0	1,087,334,100	285,692,200	2,821,007,400	0	0	4,194,033,700	453,233,500	4,647,267,200
Farmington Hills	0	912,595,660	273,140,830	2,999,998,350	0	0	4,185,734,840	300,524,080	4,486,258,920
West Bloomfield Twp	11,665,810	327,206,810	12,179,710	3,746,319,190	0	0	4,097,371,520	78,107,120	4,175,478,640
Southfield	0	1,773,624,540	60,869,190	1,748,942,310	0	0	3,583,436,040	457,372,200	4,040,808,240
Bloomfield Twp	0	227,729,730	24,614,330	3,660,409,480	0	0	3,912,753,540	93,199,060	4,005,952,600
Rochester Hills	0	448,667,220	215,290,760	2,772,096,800	0	0	3,436,054,780	205,993,980	3,642,048,760
Canton Twp	0	464,433,230	189,244,450	2,799,678,549	0	0	3,453,356,229	181,825,350	3,635,181,579
Shelby Twp	0	434,722,780	228,470,892	2,544,965,357	0	0	3,208,159,029	207,451,783	3,415,610,812
Clinton Twp	0	577,983,500	204,467,700	2,319,222,100	0	0	3,101,673,300	184,649,000	3,286,322,300
Novi	0	774,670,900	237,566,000	1,930,031,450	0	47,859,350	2,990,127,700	205,961,210	3,196,088,910
Waterford Twp	2,012,060	510,756,275	29,454,510	2,262,995,898	0	0	2,805,218,743	104,792,550	2,910,011,293
Macomb Twp	7,865,160	168,824,420	93,739,970	2,360,803,700	0	14,498,790	2,645,732,040	82,994,610	2,728,726,650
Midland	0	244,837,500	1,050,104,100	938,516,800	0	0	2,233,458,400	433,920,800	2,667,379,200